

# Parliamentary Law

                      
Kerfoot









# Parliamentary Law

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A Text-Book and Manual

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By F. H. KERFOOT, L.B., LL.D.

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TO MY STUDENTS.  
MAY THEY ALL BECOME MASTERS  
OF ASSEMBLIES.

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## PREFACE.

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The first edition of this little volume was a private edition, prepared by the author specially for the use of his classes in the Southern Baptist Theological Seminary. During the twelve years that he has been teaching this subject, he has found that it presented unnecessary difficulty to many of his students. One main reason for this has been that the books on Parliamentary Law heretofore published seem, for the most part, to have been prepared as *manuals* for reference, rather than as *text-books* for students. Most of them, if not all, presuppose a knowledge of the subject, and an ability to discern underlying principles, which the average learner cannot be reasonably expected to possess.

The aim of this volume is, first of all, to supply the need for a *text-book*, specially adapted to the wants of those who wish to become real students of Parliamentary Law. The author has tried to take the point of view of one who is just *entering* upon this study. His aim has been to make the treatment both clear and fundamental. He has tried to give, not only the rules, but, as far as seemed at all necessary, the principles out of which the rules have sprung. Special attention has been paid to scientific classification of subjects, and to order of treatment, so that the student may have the advantage of a progressive and connected study, and not be subjected to the confusion incident to dealing with a variety of badly arranged topics.

A list of questions has been appended, covering almost every point that can be raised on parliamentary

law. By these the student can at pleasure test his own proficiency; and, at the same time, he can find an easy reference to any point with which he is not familiar. If he will underscore the questions that he cannot answer, and give them special attention, he may easily bring himself to a very complete theoretical knowledge of the subject. All that he will then need will be practice.

While, however, the first aim has been to provide a needed text-book, still the idea of a manual has also been kept prominent. Very great care has been taken in preparing the index, so that any subject may be found with ease. For this purpose the index has been made unusually full. By the use of black-face type for the headings of paragraphs, and italics for indicating the prominent thoughts in the body of many of the paragraphs, it has been made exceptionally easy to find any point that may be desired on a particular page. It is hoped that those who use the book will thus find some features which will make it specially valuable to them as a manual.

During the first ten years that the author taught this subject he used as his text-book the manual on PARLIAMENTARY PRACTICE, by President P. H. Mell. This is in many respects an excellent book. And it may well be supposed that the use of it for so many years must have made its impress upon the teacher, and hence upon the following pages also. Next to this, special indebtedness is acknowledged to ROBERT'S RULES OF ORDER. After the first draft of this work had been finished, the very valuable manual issued by Speaker T. B. Reed appeared. This has been carefully consulted for purposes of comparison and suggestion, and the author is greatly indebted to it. Other books have been referred to, of course, including Jefferson's Manual, Cushing, Fish, Gore's Rules of Congress, etc. But those specially men-

tioned above have been most relied upon where counsel was needed.

After using the private edition for three years in his classes, and getting valuable suggestions from many sources, the entire book has been carefully revised. And the author now offers it to the public, with the hope that it will prove itself to be a real contribution towards the easier mastery of this important and intricate subject.

F. H. KERFOOT.

Southern Baptist Theological Seminary, July, 1899.



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## MOTIONS IN THEIR ORDER OF PRECEDENCE.

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Each motion in the following list takes precedence of all the motions that follow it, except in the case of those in brackets; these are of equal grade, and one of them can not take precedence of either of the other three.

### 1. MOTIONS FOR ADJOURNMENT—

- (1) To Fix Time to Which to Adjourn.....p. 91
- (2) To Adjourn .....p. 92
- (3) To Take a Recess.....p. 93

### 2. QUESTIONS OF PRIVILEGE—

- (1) Pertaining to the Assembly.....p. 94
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### 3. ORDERS OF THE DAY .....p. 98

### 4. QUESTION OF CONSIDERATION .....p. 40

### 5. MOTION TO LAY UPON THE TABLE.....p. 43

- 6. { MOTION TO POSTPONE TO A TIME DEFINITE.....p. 45
- { CALL FOR THE PREVIOUS QUESTION .....p. 49
- { MOTION TO POSTPONE INDEFINITELY.....p. 54
- { MOTION TO COMMIT, OR REFER .....p. 57

### 7. MOTION TO AMEND.....p. 59

### 8. MAIN QUESTION.....p. 105

For the *principles* of precedence of the above motions see pp. 105-110.

For *list* of incidental motions see p. 75.

For the *principles* of precedence of incidental motions see pp. 110-114.

*The general rule as to incidental motions is: Any incidental motion takes precedence of any motion to which it is incidental; and can be side-tracked for the time being by any motion that can side-track the motion to which it is incidental.*  
cf. pp. 112-114.

# PARLIAMENTARY LAW.

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## PART I.

### PARLIAMENTARY LAW AND DELIBERATIVE ASSEMBLIES.

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#### CHAPTER I.

#### PARLIAMENTARY LAW—ORIGIN AND GENERAL CHARACTER.

1. **General Definition.**—Parliamentary Law is generally understood to be that system of rules by which deliberative assemblies govern themselves. Much of the business of mankind has to be attended to in public gatherings, or assemblies. Such assemblies need to deliberate upon the measures brought before them. Hence, they are called deliberative assemblies. If, however, assemblies of this kind are to transact business in an orderly, practical way, there must be some recognized rules by which they are to be governed. If this is not the case, each individual will act according to his own inclination; no one will know what his rights are, nor how he is to proceed; and in such assemblies, if any business is transacted at all, it will be done amid confusion and disorder, and will likely be controlled by the shrewdest or the loudest.

2. **The Beginnings of Parliamentary Law.**—It is interesting to note the way in which Parliamentary Law came into existence. (1) Like everything else, it had to begin, and, like most things, it was very crude in its beginnings. Men met together to transact business.

There was need to deliberate and to take action. The necessity was soon felt for some kind of restraint, also for properly guarding the liberties and rights of members. Hence, the need for officers was apparent, also the need for a few rules. Only such rules would be adopted at first as seemed necessary for the purpose. These would be very few, and very simple. They were soon recognized and agreed to. Then, little by little, as these rules were found to be insufficient, others were brought forward, and adopted. At this early stage, however, every assembly would be a law unto itself, and would have its own rules, just such as it chose to be governed by. (2) But later on, one assembly would have more prominence than others, and would transact business in better order than others; and it would in time be observed by others, and its rules, or laws, would be imitated or adopted; and so there sprang up a consent among various assemblies as to certain laws, and these gradually became formulated into a code.

**3. Parliament Becomes the Pattern.**—To English-speaking people, for a long time, the most prominent deliberative assembly in the world was the English Parliament. And so the rules adopted by that body for the transaction of business became a sort of standard for other assemblies. This fact is recognized in the very name given to the general body of laws for the government of assemblies, viz., "Parliamentary Law." It is seen more clearly still in the expression, "*Parliamentary Practice*," which shows conclusively that the practice of the English Parliament was accepted as a standard for other bodies. What was found best for the English Parliament was very widely deemed best for others as well.

**4. Parliament Superseded in America.**—But the time came when the English Parliament was no longer for

all English-speaking people the most august deliberative assembly. The United States of America came into existence, and the people of this country ceased to look so much to England for guidance; and, although they still called this code of rules "Parliamentary Law," yet they ceased to pay any special attention to the practice of Parliament. They looked rather to the American Congress—especially to the House of Representatives—as a pattern for their practice. Our State legislatures and various conventions also had more or less of influence in shaping the rules which are recognized in this country. The code, then, as used in this country, while it is still based upon that of the old English Parliament, is yet in many respects different from that which prevails in England at present. It has been changed to suit the genius and institutions of our country, the tastes and needs of the American people.

**5. Only General Law is Recognized as Binding.**—In saying that the rules which now govern deliberative assemblies in this country have come to us from these leading deliberative assemblies, it ought to be remarked that this does not mean that every rule adopted by either of these prominent bodies has been accepted by all deliberative assemblies. Each deliberative assembly has certain conditions that are peculiar to itself, and consequently it may naturally have certain rules which will properly be applicable to it alone. Such rules will not be copied or adopted by other assemblies. Congress, for example, has many rules which are adapted only to it, and known as the special rules of Congress. The same has always been true of the English Parliament, and of other influential assemblies. It has been only the general rules of these bodies that have been formulated into a code—those rules that rest upon general

principles, and are as applicable to one assembly as to another.

6. **Every Assembly a Law Unto Itself.**—The fact that an assembly naturally looks to a great body like Congress as a model, and takes from it certain general principles, does not prohibit such an assembly from forming also special laws of its own, as it may please, for its own government. Indeed, the so-called General Parliamentary Law is only binding in so far as any particular assembly may see fit to recognize it and be bound by it. Assemblies are generally understood to do this, until they see fit to make rules of their own. But it is a fundamental principle that *every deliberative assembly is at liberty to make any rules that it wishes for its own government in the transaction of business.*

7. **A More Exact Definition.**—More strictly speaking, then, Parliamentary Law is only that set of rules for the government of deliberative assemblies that are general, such as have been generally adopted as applicable to deliberative assemblies—that is, such as rest upon some general and generally recognized principles. Those laws that are made by any particular body for its own special government are usually called *Rules*.

8. **Conclusions.**—(1) *Parliamentary Law is a code of common-sense rules.* It is evident from what has been said that Parliamentary Law is not, as many seem to think, a mere arbitrary set of rules, gotten up for the purpose of enabling men to filibuster and obstruct business, but exactly the opposite. It is really a code of common-sense rules, or laws, which have gradually grown up to meet the exigencies of deliberative assemblies—such a code of rules as experience has shown to be the best, all things considered, for enabling a deliberative assembly to transact most successfully its proper business.



(2) *It is worthy of study.*—To one who will study it carefully, Parliamentary Law is a beautiful science, as well as a practical code. And there is little excuse for the widespread ignorance of this system, found even among intelligent people. Especially should those who hope to make themselves felt in public assemblies try to master the principles and practice of Parliamentary Law. There is hardly any more pitiable spectacle than that of one who is ignorant of Parliamentary Law trying to preside over a deliberative assembly. The more intelligent the body, the sadder the spectacle.

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## CHAPTER II.

### DELIBERATIVE ASSEMBLIES—HOW CLASSIFIED.

9. **General Division.**—Before taking up the code of laws applicable to deliberative assemblies, it will be well to fix in mind the various kinds of deliberative assemblies, or bodies, to which such a code is applicable; and also to understand as well as possible the peculiar nature, or character, of these assemblies. The best division is into *permanent* and *occasional* deliberative assemblies.\*

#### SECTION I.—PERMANENT DELIBERATIVE ASSEMBLIES.

10. **Described and Subdivided.**—A permanent deliberative assembly is one which does not propose for itself any dissolution. It is organized with the idea of having a permanent existence of some sort. Such bodies are of two general kinds, or classes:

(1) Those which *always* continue with a *sufficient number* of members *to transact business*. In all assemblies of

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\*In this classification we follow President Mell. Speaker Reed divides them into "those which are Voluntary, and those which are Legislative and Constituent." President Mell's classification seems much better.

this kind, if members lose their membership at all, they never go out in such numbers as not to leave enough to meet and transact any business that belongs to the body. Examples of this kind of permanent assemblies are the United States Senate, the House of Lords in England, some Boards of Trustees, some Boards of Managers, churches with congregational form of government, etc.

(2) Those which continue permanently with *a form of organization*, but whose members so go out as not to leave a sufficient number to transact business, e. g., the United States House of Representatives, the lower branch of State Legislatures, certain religious associations, some Boards of Managers, etc., some or all of whose officers continue in office until their successors are elected, notwithstanding the fact that an entirely new membership has to be chosen.

**11. Principle of Division.**—The principle of division between these two general kinds of permanent assemblies is based upon the question whether there is always left a sufficient membership for the transaction of regular business. The question whether there is a *constituency*, or *no constituency*, is not a material one in making this classification.

## SECTION II.—OCCASIONAL DELIBERATIVE ASSEMBLIES.

**12. Described and Subdivided.**—These are such as are called together temporarily for some special purpose; they transact once for all the business for which they are assembled, and then adjourn. These also are of two general kinds, or classes.

(1) Those whose members represent constituencies, and therefore require credentials, e. g., constitutional conventions, political conventions (whether county,

state, or national), councils (such, for example, as a council called in some denominations to organize a church, or to ordain a minister), etc.

(2) Those whose members do not represent any constituency, and so do not need any credentials. In these the members are simply present as the result of some kind of call, and each one represents himself only, e. g., a temperance meeting, or a public railroad meeting, or any kind of mass-meeting.

**13. Principle of Division.**—The principle of division between these two general kinds of occasional assemblies is based upon the question whether there is a *constituency* or *no constituency*.

### SECTION III.—QUASI-DELIBERATIVE ASSEMBLIES.

**14. Nature, or Character.**—President Mell mentions a third general kind of so-called deliberative assembly, which he designates as a “Quasi-deliberative Body,” which, strictly speaking, is not deliberative at all. “Such,” he says, “are some ecclesiastical assemblies presided over by those who assert the prerogative to decline to put to the question any motion that they do not approve.” These assemblies need hardly be noticed in a treatise on parliamentary law, as their peculiarity is that they are not governed by parliamentary law, but by rules of their own, or of their presiding officer. In so far as they are really deliberative assemblies, the same rules apply to them as to the regular deliberative assemblies.

PART II.  
THE CODE OF PARLIAMENTARY LAW.  
CHAPTER I.  
ORGANIZATION.

15. **First Application of Parliamentary Law.**—The first application of Parliamentary Law must naturally be in the organization of an assembly. Until an assembly is organized it is not in a position to transact any business except that of organization.

16. **First and Most Important Rule.**—Hence, the first and most important rule, or law, applicable to the organization of a deliberative assembly is that, *pending organization, nothing is in order except what is germane to organization*. If those presiding at the organization of assemblies will be careful to enforce this rule, much confusion, and oftentimes much personal mortification, will be avoided.

17. **When Organized.**—An assembly is organized when it has a president and a secretary. There are frequently other officers besides these; e. g., vice-president, assistant secretary, treasurer, etc. These will be noticed subsequently. Only a president and a secretary, however, are actually necessary to an organization. The presiding officer is usually designated as the president. In some assemblies he is called moderator, in others chairman. In the lower house of the United States Congress, he is called speaker. The recording officer is usually designated as secretary; sometimes he is called clerk.

We will now consider the ways in which different kinds of deliberative assemblies are organized.

## SECTION I.—ORGANIZATION OF A PERMANENT ASSEMBLY.

18. **First Organization of a Permanent Assembly.**—

In the first, or original, organization of such assemblies, and in the absence of any special rule or statute upon the subject, such bodies must organize just as would occasional assemblies. For this, see below, Section II.

19. **Subsequent Organization, or Reorganization, of Permanent Assemblies.**—Some permanent assemblies have to reorganize from time to time. In some cases this reorganization is provided for by special constitutional or statutory enactment, as, for example, in our State legislatures. Where this is the case, the law should be followed literally. Where no such provision exists, the usual plan is as follows: (1) The officers previously elected continue in office until their successors are elected. (2) When the time for the election arrives, the president and secretary of the previous meeting, if present, will take their proper places. (3) The president will call the body to order. (4) If there is to be any religious exercise, it should come at this point. (5) The president will then call for a proper roll of the names of those entitled to sit as members of the body. (6) The roll must be made out by the secretary according to the rule which has been adopted or agreed to by the body. (7) When the roll is properly made out, the secretary will read the list. (8) The president will then announce that the body is ready to proceed to the election of officers, and that nominations for president are in order. Any number of nominations may be made. But any one may, at any time, make a motion to close nominations. A nomination does not need to be seconded, although this is often allowed.\* (9) After the nominations cease, or are closed by vote, the presiding

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\*If the former president is renominated, he will yield the chair, for the time being, to a vice-president, or to some one else not in nomination.

officer will order the vote to be taken for president as is provided for by the constitution or by-laws. If there is no way specified for taking the vote, the president may take it as he sees fit, or the body may determine this by special vote. (10) If the election is by ballot, the president should appoint a committee to distribute blanks, and to collect and count the ballots. When the constitution or any special rule provides for holding an election by ballot, it is not in order for the secretary, or any one member, to cast the ballot for any nominee, **except** under special provision, or by *unanimous consent*. (11) It is allowable to proceed with the election of a secretary, or secretaries, while the ballots for president are being counted. (12) As soon as the presiding officer learns, through those appointed to count the ballots, the result of the election for president, it is his duty to announce the result and to have the newly elected president take the chair. Usually a committee is appointed to conduct the president-elect to the chair. (13) The newly elected president will then complete the organization of the assembly by holding the elections for other officers in so far as this is unfinished.

**20. Absence of Former Officers.**—If the *secretary* of the previous meeting is absent, and the former president is present, the first business will be the election of a temporary secretary. If the *president* of the previous meeting is not present, the highest vice-president who is present should take his place and organize the meeting. If neither the *president* nor any one of the *vice-presidents* is present, the secretary, if present, acts for this purpose. If *none* of the former officers are present, the assembly must secure officers just as would be done by an occasional assembly. (See below, Section II.)

## SECTION II.—ORGANIZATION OF AN OCCASIONAL ASSEMBLY.

21. **When There Are No Credentials, and When the Election is Not Specially Important.**—(1) Some one rises and calls the meeting to order. He may, if he wishes, state why they have assembled, and call for nominations for president, or he may make a nomination himself. Others may rise and address the first speaker, and, when recognized by him, make other nominations. (2) Seconds are not necessary to nominations, but they are generally allowed. (3) When the nominations cease, or are closed by vote, the person acting as spokesman, or president pro tem. will take the vote on the nominations. The vote must be taken on the names in the order in which the nominations have been made until some one has a majority.\* In case there is difficulty in securing a majority, it is usual, after the first few votes or ballots, to pass a resolution that after a certain ballot the one having the fewest votes be dropped. (4) The person receiving a majority of all the votes should be immediately invited by the temporary chairman to take the chair and complete the organization. He does this by calling for nominations for the other offices, putting the question upon the nominations and declaring the result of the votes, and calling upon those elected to take their places.

22. **When There Are Credentials, or When the Election of Officers is Specially Important.**—(1) Here there will be held first an election for temporary officers, just as in the last case. In this temporary organization those having *prima facie* evidence of right to seats are entitled to vote. The person acting as chairman may decide who these are. But an appeal from his decision to the as-

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\* "The second and other nominations are not in the nature of amendments, and are not entitled to be put first." Cf. Reed, § 27.



sembly may be taken. (2) Then some member will move the appointment of a committee on credentials. (3) When the committee is appointed, those claiming the right to membership will be asked to hand in their credentials if this has not already been done. The committee will then retire and consider these credentials and prepare a report on the same and offer this report through its chairman to the body as soon as possible. (4) It is usual, also, after the committee on credentials is appointed, to appoint a committee to nominate permanent officers. The one making this motion may name the committee in the motion, or may move that the chair appoint the committee; or any one may suggest or move the appointment in some other way of the committee on nominations, and the body may appoint accordingly, or in any other way that it sees fit. While, however, it is usual to appoint such a committee, it is not necessary. The assembly may elect directly, without any committee on nominations. (5) Pending the examination of the credentials by the committee, the body may entertain itself with speeches, or engage in religious exercises, or adjourn until such time as it will hear the report of the committee on credentials. (6) After the report of the committee on credentials has been acted upon, the next business in order will be the election of permanent officers. If there has been appointed a committee on permanent organization, the report of this committee is called for. If this report is adopted, the temporary chairman will invite the officers elected to take their places, and the temporary officers will retire. It is usual in such cases to appoint some one to conduct the president-elect to the chair. The body is now ready for business, being fully organized. If the report of the committee on nominations or permanent organization, be rejected, the matter may be re-

ferred back to the same committee, or to a new committee, or the body may elect officers upon public nomination.

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## CHAPTER II.

### CREDENTIALS.

23. **Credentials** are the letters, or evidence, that one can give that he has been chosen or appointed to be a member of the assembly. There is no difference in essential principle between permanent and occasional bodies as to the rules applicable to credentials. Only in permanent assemblies, there is no need for the election of temporary officers, since the old officers act as the temporary officers.

24. **Need for Credentials.**—In some assemblies the matter of credentials is very important, in order to prevent unauthorized persons from getting into the assembly and influencing or controlling its action. There are some assemblies, however, especially some religious assemblies, where the credentials serve scarcely any other purpose than to afford a correct list of members for publication. In such assemblies the matter of credentials is comparatively unimportant.

25. **Rules as to Credentials.**—(1) When credentials are required, they should be inquired into before the election of permanent officers, unless there is some special rule or usage to the contrary. For there is no purpose that can be served by credentials more important than that of determining who may take part in the organization of the assembly.\*

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\*Where an assembly is to continue in session for a short time only, it might work an unjustifiable hardship to delay permanent organization and all business, pending a tedious investigation of a few credentials. The better way would be to proceed with the permanent organization.

(2) In some assemblies (for example, legislatures, etc.) there is a special law as to credentials, and, of course, where this is the case, such law governs in the matter; and it must be obeyed literally.

(3) In religious assemblies there are various methods as to credentials. a. *In some* (e. g., certain district associations etc.), the letters from the churches name the delegates, and those so named take their seats by virtue of being so named, unless objection is raised. b. *In others* (such, for example, as certain State associations), there being, of course, no danger of fraud, it is customary to let all who claim seats simply announce or hand in their names; and, if there is no objection raised, such announcement is taken as *prima facie* evidence of the right to seats, and the assembly proceeds to its permanent organization. In such cases, however, if objection is raised, the credentials must be carefully examined. Sometimes the appointment by some authorized Board is the credential that is required.

(4) When, for any reason, special inquiry needs to be made as to credentials, whether in a religious, or other kind of assembly, the proper way is for some one to move the appointment of a committee on credentials; and, in the motion, he may either name persons to be appointed, or suggest that the chair appoint such a committee, or make any other suggestion that he may see fit to make as to the appointment of the committee. The president should put the motion to the assembly as it has been made.

(5) When such a committee is appointed, it should take charge of the whole matter of credentials; and, as a committee, make such examination of the offered

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and with other regular business, and if afterward it should appear that injustice has been done to any one thereby, the assembly should endeavor to correct this if possible. One can not reasonably complain if his personal claims should be regarded, for the time being, as secondary to the claims of the many.

credentials as will bring out the facts; and report to the house upon the subject as soon as possible, stating which persons, in the judgment of the committee, are entitled to seats. If there are rival claims, or if the right of any one to a seat is on any account challenged, this committee should investigate these matters also, and report upon them to the body.

(6) In case any member is not satisfied with the report of the committee, he may offer a motion in the assembly to amend or change the report of the committee, and the assembly will, by vote, decide whether to accept the report of the committee, or make the proposed change.

(7) In case the report is adverse to any one's claim to a seat, the party whose claim is thus disputed should be heard by the assembly in his defense. Then he should withdraw. Or if not required to withdraw, he should remain silent unless invited to speak again. In no event should he vote upon his own case. A person whose right to a seat is challenged, may, however, vote on all questions not affecting his own rights, provided he can show the required *prima facie* evidence of his right to a seat.

### CHAPTER III.

#### QUORUM.

26. Meaning of "The Quorum."—(1) The word quorum, in Parliamentary Law, means a number agreed upon, or provided for in some way, as necessary *to be present* in a deliberative assembly in order to the transaction of business.\* (2) The principle of the quorum is

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\*"The term, *quorum* (literally, *of whom*), is one of the words used in England in the Latin form of the commission to justices of the peace. . . . It was then necessary that certain individuals, who, in the language of the commission, were said to be of the *quorum*, should be present during the transaction of business." From this the term passed into parliamentary law. (See Mell, p. 14, *old edition*, quoted from Blackstone's Commentaries, I., 352.)

that a sufficient number ought to be present to give authority and weight to the decisions reached.

**27. Number Required.**—(1) In some assemblies no quorum is required. This is true of some churches, and of assemblies that are not representative or judicial. (2) In other assemblies the quorum is fixed by special rule, or statute, e. g., in Congress, and in most legislative assemblies. (3) Any deliberative assembly may fix by a rule of its own, the quorum when the same is not otherwise fixed by higher law. (4) When not so fixed by law, or special rule, or recognized custom, it requires a majority of the enrolled members to make a quorum in ordinary assemblies. (5) In assemblies the number of whose members is fixed by constitutional provision or law, e. g., legislative assemblies, the quorum consists, if not otherwise provided for, of a majority of those who ought to have been elected, and not simply a majority of those in attendance.\* (6) In bodies where many of those elected may not attend, the quorum should consist of a majority of those in attendance at any annual session. This is especially true of many religious associations and conventions. Otherwise it would frequently be impossible to transact any business.

**28. No Business Without a Quorum.**—In assemblies where a quorum is required, no business can be begun if it is known that a quorum is not present, and if business is in progress it should stop when it is ascertained that no quorum is present. The chair, however, is not bound, either in taking the chair or in the progress of business, to take notice of the absence of a quorum, unless his attention is called to the matter, or some special rule requires him to do so. This would, in many cases, be very onerous to the chair, and very

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\*Mell, p. 17.

undesirable to the assembly. A quorum is always supposed to be present unless attention is called to the contrary. Even vote after vote may be taken where a quorum does not vote, and still a quorum is supposed to be present until some one raises the point of "no quorum."\*

**29. What a Smaller Number May Do.**—A smaller number than a quorum may continue in session and endeavor to secure a quorum, or it may adjourn from time to time until a quorum is secured; and in some assemblies special provision exists for sending after, and even compelling the attendance of, absent members. "If no time has been fixed for the next meeting, the assembly, even if there be no quorum, may fix the time; otherwise, an adjournment would be a dissolution."\*\*

**30. How Ascertained.**—(1) The presence or absence of a quorum is *usually* ascertained by roll call, or by some vote that is counted; or it may be ascertained by an actual count of those present by the chair, or the secretary, under the instructions of the chair. (2) *Sometimes* it is settled by special rule how the quorum is to be ascertained. It ought always to be so settled where any question can arise as to the proper method of ascertaining the presence of a quorum. Our Lower House of Congress has had great trouble in this particular. It seems, however, to be now settled that the chair may count those in sight.\*\*\*

**31. The Principle of the Quorum Should Not be Violated.**—Even in assemblies where a quorum is not actually required, "the principle of the quorum should always be observed, and no important business should be transacted until a reasonable number of the members can be gotten together." It is far better to adjourn, and for the time leave the business unattended to, than to violate this principle. If violated, however, a larger

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\*Reed, p. 23; cf. p. 26.

\*\*Reed, p. 23.

\*\*\*Reed, p. 24.

number can, at any subsequent meeting, reconsider or repeal the objectionable action.

32. **Where Members Leave During the Session.**—In bodies where many members leave before the close of the session, it is usually wise not to raise a question of quorum. It should never be done on the last day of the session, as there is generally much routine business to be attended to which is comparatively unimportant, and yet sufficiently important to demand attention. Oftentimes it would happen that to raise a question of quorum on the last day would require the assembly to adjourn without transacting this routine business. This is especially true of many religious gatherings.

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## CHAPTER IV.

### OFFICERS—THEIR QUALIFICATIONS, DUTIES, RIGHTS, ETC.

#### SECTION I.—PRESIDENT.

33. **His Qualifications.**—To be a good presiding officer, one should have *quick perception*, and, with this, a *good judicial mind*, so that he may be able to see quickly all points involved, and decide fairly upon all questions. He should be *entirely impartial* in all his rulings, trying to give to every one his rights. He should be *thoroughly familiar with the law* by which the assembly is governed. He should be a man of *even temper*, and one who will be at all times *gentlemanly* in his bearing towards every one, and thus avoid all friction in his management of the body. He should *have tact* to turn aside quickly and easily the various occasions for friction that inevi-

tably arise among members. And, above all, he should be a man of *promptness and firmness in all decisions*. A man who is slow to decide a question, and to any degree wavering after a decision, is unfit to be a presiding officer. The office of president of a deliberative assembly is one position, at least, where a man cannot say, "I would rather be right than be President." The presiding officer must *be president* while he presides. If a president is not right in any decision, it can easily be corrected by appeal, or otherwise. But for a president *to waver* means confusion, and inability on the part of the assembly to transact business.

**34. His Duties.**—(1) It is his duty to take the chair promptly at the appointed time, and call the meeting to order. In case there is any prescribed, or customary, way of opening the meeting, he should see that this is done in the proper way. Usually he will have the minutes of the previous meeting read and approved. (2) When the meeting has been properly called to order, and is ready for business, he should ask the pleasure of the body, or wait for some one to introduce business, or call attention to any matter of business that he knows to be pending, or call attention to any matter that it is his duty to mention, and then ask what is the pleasure of the body. (3) When any business is presented, it is the duty of the president to see that the matter gets before the house in the proper form, and that all proceedings of the assembly (and of himself) are in accordance with the parliamentary law that governs the body. He should allow no one to offer any motion or make any remarks until duly recognized by the chair. He must preserve order. He must protect every member in all his rights. He must answer promptly all questions of parliamentary law, and, when neces-



sary, rule firmly upon all such questions. He is not, however, bound to answer, and usually he should not answer, any questions that are not strictly questions of parliamentary law. Neither is it in his province to sit in judgment upon the bad taste of others. The president who confines himself strictly to the duty of enforcing parliamentary law is, other things being equal, always the most successful and most satisfactory presiding officer.

**35. His Rights and Privileges.**—The president does not, by reason of being president, forfeit any of his rights as a member of the body. He can at any time call some one else to the chair, and take his place upon the floor as a private member, and have all the rights that any other member has. It is, however, better that a president should be involved as little as possible in the debates and contests of the body. He should keep himself as far as possible from everything like partisanship as to any measure, and only claim his right to take part in the ordinary proceedings when he feels that it is really his duty to do so. When he does this, he should always call some one else to the chair. No president has the right to remain in the chair while trying to forward his own views on any disputed case. He need not leave the chair to discuss an appeal. He should usually not vote on any question except in case of a tie vote. He is expected, by reason of his office, to vote in cases of tie. He may, however, even then refuse to vote, if he so desires, in which case the measure fails for lack of a majority. Still the president has the right to vote on any measure if he so chooses. It is only a question of wisdom as to the exercise of this right. But the president who insists upon exercising this right will very likely soon fail to command that respect which is due to a presiding officer. *When, however, a president*

*represents a constituency*, and their interests demand that he should vote, then it is his duty to vote. He may not sacrifice his responsibility to his constituents because of his position as president.

## SECTION II.—SECRETARY AND ASSISTANT SECRETARIES.

### I. SECRETARY.

**36. His Qualifications.**—The secretary also should be fairly well acquainted with parliamentary law, especially with all the law pertaining to his official duties. He should be a man of quick perception, so as to be able to catch readily and accurately motions that are not put into writing by the mover. He should be able to express himself in clear and accurate language, so that he can put into form verbal motions and language that he is required to report. He should be a quick reader of manuscript, and a good and impressive reader before the assembly. He should be able also to keep the record in an easily legible handwriting, and in such an orderly way that any one may easily gather from his minutes just what the assembly has meant to put to record. He should be one who will do willingly and promptly anything that is required of him in the line of his duties as secretary. He undertakes to be a true servant of the body.

**37. His Duties.**—(1) He should always be at his desk when the meeting is called to order. (2) He should keep an accurate list of the members. (3) He should take down all motions that are stated by the chair, unless the same are already in writing. (4) He should read all papers to the assembly as directed by the chair. (5) He should keep an exact record of every motion that receives a majority vote, and of all business that is actually transacted by the body, whether by motion or

otherwise. In some assemblies he is required to keep a record of all motions and all business proposed. He should learn, on entering upon his office, what the body requires of him as to its record. (6) He should call the roll of the assembly whenever ordered to do so by the chair or the assembly, and report to the chair the result of any such roll call. (7) He should take charge of all lists of committees that may be appointed, and notify the chairmen of such committees of their appointment, furnishing each chairman with a list of the entire committee, and with such information as may be needed concerning the appointment and the duties of the committee. (8) He should be ready, at all reasonable times, to give information to any member of the body as to any matter of business of which he is required to keep a record. (9) He should take charge of all papers turned over to him by the president, or by the body, and be ready to produce such papers at any time when they may be properly called for. No one has any right to withdraw papers from his keeping except in accordance with the rules of the assembly, or upon the consent of the secretary. And the secretary should see that this rule is observed. (10) He should promptly and cheerfully obey any special order of the body as to the manner in which he shall keep the record of proceedings, and as to all papers intrusted to him, and, in fact, as to everything pertaining to his work as secretary. (11) He should affix his signature to any papers or proceedings when the same is required for the proper authentication of the acts of the assembly.

**38. The Rights and Privileges of the Secretary.**—It is as true of the secretary as of the president that he forfeits none of his rights as a member by reason of his holding office in the service of the body. He has a right

to vote on all questions, and the same reason against the exercise of this right does not exist in his case as in the case of the president. He need not leave his desk to take part in any of the proceedings of the body unless he desires to do so. The only limit to his taking part in all proceedings is his obligation not to neglect the special duties that he has undertaken for the body. He is entitled to the respect and consideration of all members of the body in the discharge of his duties, and to protection against all unreasonable demands on the part of members.

## II. ASSISTANT SECRETARIES.

39. **Subordinate to the Chief Secretary.**—It is very common to elect two or more secretaries for a deliberative assembly. In such cases, unless there is a special rule upon the subject, the one receiving the highest number of votes, or the one first elected, is the *chief* secretary, and, as such, he has the right to direct the work of the others.

## SECTION III.—OTHER OFFICERS.

40. **Qualifications and Duties, How Learned.**—The qualifications and duties of any other officers that a deliberative assembly may have besides a president and secretaries must be determined usually from the provisions of the constitution or by-laws that require such officers to be elected or appointed. It may be said here, however, that when a deliberative assembly elects vice-presidents, one or more of these ought to be elected with a view to his being able to take the chair and preside over the assembly in case the president should, at any time, vacate the chair. Assemblies have sometimes suffered in not having capable vice-presidents as well as

from inefficient presidents. Such officers are, as a rule, entitled to all the rights and privileges of other members of the body.

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## CHAPTER V.

### MEMBERS—THEIR RIGHTS AND DUTIES.

**41. Should Understand Rights and Obligations.**—It is important that each member of a deliberative assembly should understand his rights as a member of the body, and more important still that he should understand his duties or obligations.

#### SECTION I.—RIGHTS OF MEMBERS.

**42. Equality.**—All members upon the floor of the body have equal rights, and are entitled to equal privileges and consideration from the officers and the other members.

**43. Right to Introduce and Discuss Measures.**—Each member has the right to introduce any proper measure to the attention of the body, and to discuss the same, if it be a debatable question, and to use all parliamentary means for securing the end which he may have in view. He cannot claim this, however, except within the recognized limits of parliamentary law.

**44. Right to Protection.**—Each member is entitled to be protected by the president, and by the body, in the exercise and enjoyment of all his rights and privileges as a member of the body. For this purpose a member may rise at any time to a question of personal privilege and courteously demand that he be protected in the enjoyment of his rights and privileges as a member of the body. Nothing but a motion to adjourn can inter-

fere with this privilege of a member to rise and claim his personal rights. If the assembly should adjourn, pending such question of privilege, then as soon as it reconvenes, the question of privilege is first in order. If the chair refuses to protect him, he may appeal to the body. He has, however, no right to resist a decision made by the body, except by withdrawal from its membership.

## SECTION II.—DUTIES OF MEMBERS.

**45. Should Respect the Officers of the Body.**—Each member should show the utmost respect and courtesy to the officers of the body. If a member is dissatisfied with the conduct of any officer, he may, in a respectful way, appeal to the body. But he should not show irritation or disrespect towards an officer. Disrespect to an officer is disrespect to the body.

**46. Should Respect Fellow Members.**—Each member should be careful of the rights of fellow members. He should treat them with every courtesy and consideration, avoiding everything like unparliamentary language and all infringement upon their privileges. Members should even be careful to observe all the finer amenities and courtesies of gentlemen in their intercourse one with another. Nothing contributes more to the pleasant association of members in a deliberative assembly, and to the successful conduct of business, than attention to these finer amenities and courtesies.

**47. Should Show Due Respect to the Body.**—Each member should refrain from doing anything in violation either of the rules of the assembly or of the general parliamentary law recognized by the assembly. All due consideration should be shown in every way for the body. In no case should a member reflect upon the character of the body. Even if one cannot always con-

form to its known wish or temper, he should nevertheless show the utmost possible respect for the body in his speech and bearing.

**48. Should Render Required Service.**—Each member should cheerfully render to the body and its officers all services that may be required of him; and in case of failure to do so, either on account of inability or for any other reason, he should promptly report such failure, and the reason therefor.

**49. Should Submit to Decisions.**—Each member should promptly and cheerfully submit to all decisions of the body. If he cannot do this, he ought to withdraw from its membership.

**NOTE.**—Other rights and duties of members may be gathered from the chapter on Debate.

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## CHAPTER VI.

### CONDUCT OF BUSINESS—HOW INTRODUCED.

**50. Introduction of Business.**—We have thus far seen how a deliberative assembly is organized and equipped for attention to business. We will now proceed to consider the method by which its business is conducted. The first thing to engage our attention is *the proper manner of introducing any matter* upon which action is desired.

#### SECTION I.—OBTAINING THE FLOOR.

**51. One Must Obtain the Floor.**—Before any one can introduce a matter of business in a deliberative assembly, or claim the attention of the body for any purpose, he must first obtain the floor. If a member tries to introduce a measure, or to make a speech, or to interrupt another, without properly obtaining the floor, he

is out of order, and the president should require him to desist. More of the disorder and confusion of deliberative assemblies is due to a disregard for this rule than to any other cause. And so, while a president should not seem to be a stickler for mere technicalities, he should, for the good of the assembly, let members see that this rule *must* be observed.

52. **How Obtained.**—(1) If any member of the body wishes to obtain the floor for the introduction of business, or for any purpose whatever, *he must rise and address the chair*, saying: "Mr. President" (or he may say, "Mr. Moderator," or address the chair in any way that is customary in the body). If the president *recognizes* him by calling his name, or by indicating in any way that he may proceed, such an one has the floor and may proceed to introduce any matter of business. (See next section, on *motions*.) (2) If *the president* himself wishes to bring any communication to the attention of the body, or to call attention to any matter, he has only to judge as to the proper time, and ask the attention of the body to what he has to lay before it. For this purpose he may even interrupt one who has the floor. But he should be very careful in doing this, lest he be guilty of discourtesy, and possibly provoke an appeal to the house against his intrusion. If, however, he desires to bring before the assembly any business in which he is personally interested, he should call some one else to the chair, and take his chances of obtaining the floor, just as other members have to do. (3) *Outside parties* have no right to the floor. They can have any matter introduced only through the president or some one of the members. But neither the president nor any member is under obligation to bring any matter from an outside person, or body, to the attention of the assembly.



Each member may act in such matters entirely upon his own judgment.

## SECTION II.—MOTIONS.

**53. The Proper Means for Introducing Measures.**—After one has obtained the floor, he presents any matter of business for the consideration or action of the body by means of what is called a *motion*. This is done by the words, "I move," etc., or, "I desire to make a motion," or, "I move the following," or, "I move the adoption of the following" (stating immediately what is to follow), or he may simply say, "I offer" so and so. Very often the word "motion" is not used at all. Yet a motion is actually involved. That is to say, one, in some way *moves, starts, puts in motion*, something on its way through the body. One may, without any motion, call the attention of the assembly to a matter, or he may sometimes preface a motion by explanatory remarks. But when a matter of any kind is introduced for consideration, and for action upon it by the body, a motion must be offered before any speech can be made, or any action can be taken upon it.

**54. Motions Must Be Seconded.**—(1) All motions that are *really motions* require a second. This is on the principle that the attention of a deliberative assembly ought not to be asked to any measure where only one of the body is willing to ask for such attention.\* (2) A second is made by some one simply saying, "I second the motion," or "I second it."

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\*Apparent exceptions to this rule are not, strictly speaking, exceptions, e. g., where one member alone can call for, or move to take up, the orders of the day, etc. For in these cases the member is simply asking or demanding that the body do what it has bound itself to do. And, if a vote is taken upon such a demand, it is rather a decision by the body as to whether it will observe its own orders, and not a vote as to the business of the member who moves to take up the orders. Mr. Cushing says: "For dispatch of business, a presiding officer may sometimes take for granted that a proper and usual motion has been made when it has not and propose a question accordingly." Sec. 243, p. 171-2.

(3) The member seconding a motion need not rise, nor address the chair, nor be recognized by the chair for this purpose. He may remain in his seat, and simply say, "I second the motion."\*

55. **Motions May Be Required to Be in Writing.**—All motions must be put in writing if so required by the president, or secretary, or by any member. It is not unusual, however, to require this for the ordinary motions, such as frequently recur.

### SECTION III.—RESOLUTIONS, ORDERS, PETITIONS, BILLS, OR ACTS.

56. **Different Methods of Expressing Decision.**—A deliberative assembly may express its decisions in the form of a resolution, an order, a petition, a bill (or an act). And the motion which one makes may be for the passage of either of these.

57. **A Resolution.**—Strictly speaking, every decision by a deliberative assembly is a resolution—that is, something resolved. But *in common use*, a resolution means a formal expression of opinion upon some subject, which expression of opinion is presented as the decision of the assembly. When one wishes the assembly to pass a resolution, he usually says: "I move the adoption of the following resolution," and then he reads the resolution, and passes it up to the secretary. Resolutions are, however, not always offered thus formally. Frequently the mover of a resolution says: "I move that it be the sense of the body," etc., or, "I move" so and so—stating after the word "move" what he wishes the house to agree to.

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\*Mr. Reed states differently. (See Reed, p. 77.) But he does not give any good reason for his position. It would be a great waste of time to require every one who seconds a motion to rise and be recognized before he could say, "I second the motion." All that the chair needs to know is that there is a second. It may be better to rise to say this, but it is not necessary.

58. **An Order.**—If that which is moved for adoption by the assembly be in the nature of a command, then, instead of being called a resolution, it is called an *Order*.

59. **A Petition.**—Sometimes the thing desired of a deliberative assembly is action upon a petition. Some one will present the petition to the body. A motion and second are required before it can be considered or acted upon.

60. **A Bill, or Act.**—If the deliberative assembly is a legislative body, and if the thing which is moved for adoption is in the nature of a proposed statute, or law, it is called a *Bill*. When passed by the assembly, it is called an *Act*.

61. **Must Be in Writing.**—All important resolutions and orders, and all petitions and bills should be presented in writing. Any member has the right to require that they be so presented.

#### SECTION IV.—QUESTION.

62. **What is Meant by "the Question."**—When any measure has been brought before a deliberative assembly, and a motion has been made, and seconded, for its adoption, it is the duty of the chair to repeat, or re-read the proposition, or to have it read by the secretary. He will preface this re-reading, or restatement of the measure, by saying, "The question is upon the adoption of the following motion," or "Mr. A. moves the following." Then the measure will be read, or stated, and the chair will say: "The question is upon its adoption," or "The question is upon the adoption of," etc. This is the meaning of what is called "*the question*" in Parliamentary Law. It is so called because the proposition which has been made to the body now takes the form of a question, upon which an answer or decision must be rendered. If the question thus raised has grown out of an

original, or main, proposition, it is called the *main question*. Such questions as arise in connection with a settlement of the main question are called subsidiary or incidental or privileged questions, as the case may be. These will all be considered under their appropriate headings.

63. **When a Measure May Be Said to Be Introduced.**—When any measure, or proposition, reaches this stage, so that there is *a question* or decision, it may be said to have been properly introduced for the consideration of the body. It is then in the hands of the assembly, awaiting its action upon it. It is said then to be “before the house.”

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## CHAPTER VII.

### CONDUCT OF BUSINESS CONTINUED—TAKING THE VOTE.

64. **Aim in Introducing a Measure.**—The aim of the one introducing a measure is usually to secure from the assembly a *vote*, or a decision of some kind concerning it. Sometimes the body may be brought very directly to the vote. But it is often the case that a measure will give rise to much debate, and be subjected to many vicissitudes before a vote can be reached. Sometimes the proposed measure will perish by the way, and no vote will ever be taken upon its merits. But a vote *may* follow close upon the introduction of a measure. And hence, we take up at this point the matter of “taking the vote,” or what is sometimes called “*putting the question*.” We will notice the different forms of vote that may be taken, and the rules that govern such votes. The various things that may happen to a measure between its introduction and the final disposition of it by

the body, will be considered in subsequent chapters. (See Chapters VIII., IX., X., XI.)

65. **Different Ways of Voting.**—Votes may be taken in deliberative assemblies either by sound of voices, or by show of hands, or by separation of members, or by yeas and nays, or by ballot. In all cases the object is to find out which side of a question is favored by a proper majority of those present.

#### SECTION I.—VOTING BY SOUND OF VOICES.

66. **The Easiest and Most Frequent Method.**—By far *the easiest and most frequent way* of taking the vote of an assembly is by the sound of voices. When the vote is to be taken the president rises and says: "Are you ready for the question?" If there is no further claim to the floor, he proceeds to say: "As many as are in favor of the motion will say 'Aye.'" Then he will say: "As many as are of a contrary mind will say 'No,'" or, "As many as are opposed will say 'No.'" If the vote is such that it is clear from the mere sound which side has a majority, the president will say: "The ayes have it," or, "The noes have it," as the case may be. If the president is not certain from the sound, he should say: "The ayes seem to have it," or, "The noes seem to have it." Then, if no one calls for a division, he will announce the vote positively as he understood it. When a vote is thus taken, by sound of voices, those members who fail to vote are understood as acquiescing with the majority.

**UNANIMOUS CONSENT.**—A presiding officer may often expedite business by assuming unanimous consent. When he feels sure that all are of the same mind upon a proposed measure, he may say: "If there is no objection, it will be so ordered." If, after this, there is no objection, it will be equivalent to a unanimous vote. If, however, there is objection the proposition must be put to the vote. A president should not assume unanimous consent except upon unimportant matters, and then only when he is confident that it will be agreeable to the assembly.

## SECTION II.—VOTING BY SHOW OF HANDS.

67. **A Plan for Counting the Vote.**—Taking the vote by show of hands is the next easiest method of deciding a question. It often happens that the president is not able to decide positively from *viva voce* sound which side has a majority. He may prefer a more accurate way. It happens frequently also that one or more of the members may be dissatisfied with a decision from the mere sound, and some one calls out, "*Division.*" In either case there must be some way of counting the votes. The president should never hesitate to have the vote counted if he is uncertain, or if any one calls for a division *before* the assembly passes to another matter. After this it is too late. It is no reflection upon the chair for a member to ask for a division. It is only a demand for certainty. The usual way to have the count is to say: "As many as are in favor hold up your hands until counted." Then, "As many as are opposed indicate by the same sign." When the result is ascertained the president announces it. The president may do the counting himself if he so desires. It is better, however, for him to have it done by persons specially recognized or appointed for this purpose. Such persons are called tellers. Usually the secretaries will act as tellers. In all cases where the assembly consists of opposing parties or factions, the different parties should be fairly represented in the counting. The teller announces the vote, as counted, and the chair repeats the announcement. In a vote by show of hands no account is taken of those not voting, except as they may be considered in a question of quorum.

## SECTION III.—VOTING BY SEPARATION.

68. **A More Reliable Plan for Counting.**—The next easiest way of voting is by a separation of the members

Sometimes it happens that even a show of hands is not sufficiently reliable, and then a vote may be taken by separating the members. (1) This may be done most easily by asking those in favor of the measure to "rise and stand until counted;" and then saying to these, "be seated," and asking those opposed "to stand until counted." The counting here is done as in the last case. (2) Other plans, sometimes resorted to, are to have the members pass before the secretary, or take different parts of the house, or withdraw in some way to themselves, so that each side may be counted separately. The counting should be done as in the last two cases. In any vote by separation no account should be taken of those not voting, except as their presence may affect the matter of a quorum. While this careful, and sometimes laborious, method of counting should be readily granted in important cases where there is any real doubt as to the vote, yet it is clear that it is not a right which any and every member may claim, unless there is some special provision for it in the rules of the body. For, if so, it could be used greatly to the obstruction of business. If the chair refuses to order a vote by separation, any member may move as an incidental question, that the vote be so taken, and the assembly will decide.

#### SECTION IV.—VOTING BY YEAS AND NAYS.

69. **A Plan for Recording Each Vote.**—Voting by yeas and nays is a method of voting by which every person's vote is taken separately and put upon record, so that the votes may not only be accurately counted, but kept for future reference.

70. **Special Object.**—The special object of a vote by yeas and nays is usually to make each member feel the responsibility for his vote by making him answer *indi-*

*ridually*, and by putting his vote upon record, so that all may know just how he votes, and so that his constituents, if he has any, may be able to know from the record just how their representative has voted upon any particular question.

**71. How Taken.**—The president announces that “the roll will be called, and all those in favor of the motion, when their names are called, will vote yea, and all those opposed will vote nay.” A tally is kept by the secretaries, or by tellers specially appointed, showing as a matter of record how each member voted. Generally, there is a teller for each party. When the roll is called, the clerk, or one of the tellers, will first read over the names of those who voted in the affirmative, and then of those who voted in the negative, that errors, if any have been made, may be corrected. The number on each side is then reported to the presiding officer, and by him announced to the assembly.

**72. Obligation to Vote.**—When the yeas and nays have been ordered, every member is under obligation to vote, unless excused by the assembly.

**73. Abuse of This Method of Voting.**—Where the rules allow a small number of members to call the yeas and nays on any and all sorts of questions, this is one of the favorite methods of filibustering and staving off action upon measures which are opposed. This opportunity to abuse might be defeated by a judicious suspension of the rule as to the call for yeas and nays, or by a rule requiring a majority vote, or the vote of a large proportion of the assembly, for a call of the yeas and nays upon all questions except the main question and amendments.

**74. When Debate Must Cease.**—In the case of a vote by yeas and nays, as the affirmative and negative votes proceed *pari passu*, it is out of order to renew the debate



after the first vote has been given.\* In all the other votes referred to above, one may claim the floor for debate and so stop the voting up to the time when the negative vote is heard. (This matter is presented more fully in its proper place in the chapter on Debate.)

**75. Right to Change One's Vote.**—"No member, after the yeas and nays have been called, is permitted to change his vote unless he asserts that he voted by mistake. This is the general rule, but in some of our legislative bodies members are permitted to change their votes even after the business is disposed of, provided such change does not affect the general result." It is hardly true that this rule, given by Dr. Mell, still prevails. It is quite common to call for a recapitulation of the vote, and pending this to allow any one who wishes to do so to change his vote.

**76. Number Required to Order the Yeas and Nays.**—It is usual to have some special rule providing how many it shall require to call for a vote by yeas and nays. In case there is no rule upon the subject, a majority should be required in order to compel such a vote. This will prevent much abusive use of this method of voting.\*\*

**77. Not Often Applicable to Religious Bodies.**—The principle of a vote by yeas and nays will rarely have any application in a religious assembly. It has been argued by some that it ought never to be applied, as it indicates a condition of feeling, or will lead to a condition of feeling, that ought not to exist in a religious assembly, and is likely to have results which can be fraught only with evil.

#### SECTION V.—VOTING BY BALLOT.

**78. A Plan for Secret Voting.**—It is frequently the

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\*Speaker Reed says: "After the first name has been called, the call cannot be interrupted even by the arrival of the hour appointed for adjournment." Reed, p. 173.

\*\*Reed, p. 173.

case that constitutional or other provision requires that certain votes shall be "by ballot." When such a vote is required, tellers are appointed (usually by the president) to distribute among the members blank slips of paper upon which the vote may be written. He will then state the question, and call upon the members to vote, and require the tellers to collect the ballots, and, after that, to withdraw and count and record the same. When the tellers shall have performed this duty, they will return to the assembly, and the chairman, or first named of the committee of tellers will secure the floor as soon as possible, and say: "The tellers are ready to report." If the report can be heard then, the chair will say: "Let the report be made." The report will then be announced by the teller just as it stood upon the count, and the chair will rule accordingly. If, for any reason, the report could not be received when it was first announced that it was ready, the chairman of the tellers must seek the first opportunity that presents itself for making his report.

As has been before intimated, an effort is sometimes made to avoid the requirement of a vote by ballot. The usual way for doing this is to move that the secretary cast the ballot for the assembly in the manner indicated. This is never allowable except under special provision, or where there is unanimous consent.

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## CHAPTER VIII.

### CONDUCT OF BUSINESS CONTINUED—INTERVENTION OF SUBSIDIARY MOTIONS.

79. **Recapitulation.**—We have now seen how measures are introduced, and what course they should take toward final disposition when nothing happens to them by the way. We saw that a measure, after being introduced in the body by a motion for its passage and a

second, must be restated by the president, and must be put before the body as a *question*, and that then, if there is nothing else to intervene, the question will be put to the vote of the body, and an expression of assent or dissent by the body will be secured.

80. **A Parliamentary Gauntlet.**—But the large majority of measures that are thus introduced in deliberative bodies do not find, by any means, such an even and easy course of passage. Many things can happen to a measure between its introduction and a final vote of the body upon its merits. (1) In the first place, the very term “deliberative” indicates that measures proposed to such bodies may be considered and debated by the members. And this fact subjects the measure to all the delays incident to debate. (2) Then again, almost any measure that has been proposed has a gauntlet to run far more trying than that of a simple debate upon its merits. It is altogether likely that various members of the body will feel toward the measure quite differently from the way the mover of it feels. And it is also quite probable that various members will differ widely among themselves in their opinions of the measure. One will desire one disposition to be made of it, and another will, perhaps, desire something very different. For example, one may desire the passage of the measure just as it is. Another may wish to prevent all consideration of it, and so throttle it at the start. Another may wish simply to delay its consideration. Another may wish to avoid debate upon it. Another may wish to avoid a vote upon its merits. Another may wish to make changes of some sort in the measure. Parliamentary law affords to those who understand it ample means for trying to accomplish any of these results. These means are found in certain forms of motions which have been evolved for these particular ends.

Most of the motions for these ends may be grouped under what are called *subsidiary motions* or questions. Again, there are various questions that may arise incidentally in the consideration and disposition of a pending question. These frequently intervene, and delay, and sometimes defeat, final action by the body upon the measure itself. They are called *incidental motions* or questions. Yet, further, there is a line of questions affecting chiefly the rights and comforts of the assembly, which may come up during the consideration of a pending measure, and delay a vote upon the measure. These, because of the special privilege that is granted them of sidetracking other questions, and claiming for themselves early attention, are called *privileged motions*, or questions. And yet, again, even after a measure has run the gauntlet of all of these intervening motions or questions, if it finally passes the body it is subject to *reconsideration*, and may have it all to go through with again. All of these intervening obstructions to a speedy final vote on the main question will be duly considered in the following pages. The present chapter will be given specially to a consideration of the subsidiary motions or questions. Reference will be made, in this chapter, to other motions only in so far as they may be used for the purposes ordinarily accomplished by subsidiary motions.

81. **Subsidiary Motions Classified.**—The subsidiary motions, properly classified, are as follows:

For Total Suppression.....	{ Question of Consideration.
For Delaying Consideration.	{ To Lay Upon the Table.
	{ To Postpone to a Time Definite.
For Partial Suppression...	{ The Previous Question.
	{ Indefinite Postponement.
For Perfecting.....	{ To Commit, or Refer.
	{ To Amend.



that is, that the house will consider the question, the matter is before the body just as if the point had never been raised. (7) If *decided in the negative*, the matter is suppressed, the body refusing to have anything to do with it. (8) It *cannot be renewed*, but the vote refusing to consider may be reconsidered. (9) In *grade* this question is highest among the subsidiary questions—at least to the extent that, if offered early enough, it can sidetrack any other subsidiary question, while no subsidiary question can sidetrack it. It is *inferior* to the privileged motions, and can be sidetracked by any of them. It is inferior also to any incidental motion, or question, that can properly arise while it is pending (e. g., a point of order.) (10) The question of consideration is *in order* only as applicable to a main question, and it must be raised, if at all, before any consideration of the main question has been entered upon. But if presented early enough, it may be raised against any main question that is offered.

**84. The Chair Need Not Raise It.**—It is not the duty of the chair to raise the question of consideration. His duty here is similar to his duty in the reception of a report.\* If objection is not raised by some one on the floor, then the consideration is entered upon as a matter of course.\*\* (If, however, the consideration of any proposed question be clearly out of order, the chair should so rule, and thus peremptorily suppress it).

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and to state why he introduces it. But strong arguments can be presented, also, for the right of assemblies summarily to suppress proposed measures, or the present general rule would not have grown into law. Any assembly that does not like the present law is free to regulate the matter by a special rule of its own. A good plan would be to require a *two-thirds* vote to sustain an objection to consideration.

\*The question of consideration used to be put by the chair as a matter of course, upon the presentation of any measure. This may explain why, when the question is raised, the chair puts it to the body without a second or any kind of delay.

\\\*\*Reed, p. 81.

## SECTION II.—OTHER POSSIBLE MEANS.

**85. A Motion to Lay Upon the Table, or a Point of Order.**—Besides this direct way of totally suppressing a measure, a motion to lay upon the table, or a point of order, may sometimes be used for this purpose.

(1) *By the Motion to Lay Upon the Table.*—This motion has come to be used in many deliberative assemblies for this purpose. It can be so used, because it is always in the power of the majority, who can lay a matter upon the table, to keep it there. It is, however, often an abuse of this motion so to use it, as nothing ought to be laid upon the table which cannot be taken up again. The rules applicable to the motion to lay upon the table will be given under that head. (See below, Section I.)

(2) *By a Point of Order.*—A simple point of order may sometimes be used effectually for total suppression. And, when it applies, the result may be reached as directly and easily as by a question of consideration. If the proposed measure is out of order, one has only to raise the point of order, and the chair must rule the measure out of order, and, unless an appeal is taken, and the decision of the chair reversed, the body is thus saved from taking any action whatever on the measure. The rules applicable to a point of order will be given under the head of Points of Order.

## DIVISION II.

For Delay of Consideration . . .	{	To Lay Upon the Table.
		To Postpone to a Time Definite
		Other Possible Means.

**86. Various Motions for Delaying Consideration.**—When one wishes for any reason to delay the consideration of a measure that has been introduced, or to delay action upon such measure, several ways are open for

trying to accomplish the desired end. He may avail himself of either of two motions specially devised for this purpose, namely, the motion to Lay Upon the Table, or the motion to Postpone to a Time Definite; or if he chooses to do so, he may turn various other motions and parliamentary privileges into *tactics for delay*. These motions for delay will be considered in the following sections.

#### SECTION I.—MOTION TO LAY UPON THE TABLE.

87. **Its Nature.**—The motion to lay upon the table, or that a measure lie upon the table, is simply a motion that the measure be passed by *for the time being*, with the understanding that it may be taken up again at the pleasure of the body.\* It is intended to be the shortest possible cut for the postponement of the consideration of a measure and all its appendages.

88. **Ten Points.**—(1) *To make this motion* one will secure the floor and say: "I move that the measure (or motion) lie upon the table." He may use any other words that will express the idea; for example, "I move that we lay it on the table," etc. (2) The motion *must be seconded*. (3) *The chair will then say*: "It is moved that the measure (or motion, or resolution) lie upon the table. So many as favor the motion say 'aye;' any opposed, say 'no.' " He will then announce the result. (4) Being of such a summary character, it *cannot be amended*. (5) And for the same reason it is *not debatable*. (6) If *decided in the affirmative*, the effect will be to remove the main question and all its appendages from before the body. As to separating a main question and its appendages, see at the end of this paragraph. (7) If

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\*The motion to take from the table is not, however, a privileged motion. Cf. Reed, p. 83. It is undebatable, and can not have any subsidiary motion applied to it. Cf. Robert, p. 45.



*decided in the negative*, the business will proceed just as if the motion had not been made. (8) It *may be renewed* as soon as any business or discussion of any kind has intervened. (9) *In grade* the motion to lay upon the table is next to the subsidiary question of consideration, and so may be sidetracked by that. But it is *superior* to, and can sidetrack any other subsidiary motion. It is *inferior* to all the privileged questions; and to all the incidental questions, except when made for the disposition of one of them. In such a case it becomes subsidiary to such question, and so takes precedence of it. (10) This motion is *in order, and applicable* where any motion or question is pending which, if tabled, could be taken up again in the same shape in which it was tabled, and be still a proper subject for consideration by the body. It is, however, not properly applicable for separating a question from its appendages. If a motion is carried to lay a main question upon the table, all appendages in the shape of subsidiary and incidental questions must go with it. And *vice versa*, a vote to table any appendage or any pending subsidiary or incidental question will carry the main question and all other appendages. If questions and their appendages could be separated by this motion, the assembly might some time find itself with an appendage before it after its principal, upon which it depended, and everything else connected with it had been disposed of.

**89. Sometimes Used for Total Suppression.**—And yet, as we have seen, this motion has come to be used also as a means for total suppression, and even at times for suppressing an amendment or some other appendage without affecting the main question. The Lower House of Congress, especially, has so enlarged the motion to lay upon the table that it has there become, perhaps, the most usual method for the total suppression of a meas-

ure.\* It is, of course, possible so to use this motion, because, as we have seen, the majority that could lay a measure upon the table can keep it there. And this motion has become especially convenient for total suppression since the previous question has come to its pression since the previous question has lost its former power of cutting off pending amendments. For, by this use of the motion to lay upon the table, an assembly can both avoid debate, and also quickly dispose of amendments, or any other appendage, or of a main question and all appendages, without any discussion or any vote upon the merits of any question involved. It is evident, however, that this motion, so used, may be, in the hands of a majority, very oppressive, as it thus frequently makes final disposition of measures without allowing members the right of impressing the body with their views upon the questions before it. It is also a radical change of the real character of the motion. This is an abuse of this motion, and, unless there is a special rule of the body to the contrary, a president should rule, as out of order, any motion to lay anything upon the table except such things as may be *properly* taken up again at the pleasure of the body.\*\* Injustice is done too often even by the use of the previous question, without giving a majority this additional power with the motion to lay upon the table.

## SECTION II.—MOTION TO POSTPONE TO A TIME DEFINITE.

90. *Its Nature.*—This is another motion to delay consideration. It proposes to delay, however, only for a specified time. And at that time the measure will again come before the body as a special order for that particular time.

91. *Ten Points.*—(1) *To make this motion one will se*

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\*Reed, p. 83.

\*\*Mell, p. 44.

cure the floor and say: "I move that the measure be postponed to," etc. He will name the time to which he wishes it postponed. (2) This motion *requires a second*. (3) *The chair will then state the motion as it has been made*. (4) This motion may be *amended as to the time*. It cannot, however, be so amended as to make it really a motion for indefinite postponement. For then the motion for indefinite postponement should be used. (5) *It is debatable as to the propriety of postponing, and as to the time designated*. It is not debatable as to the merits of the main question, since an opportunity will be given for this when the matter is again before the body. (6) *If decided in the affirmative*, the whole matter is removed from before the body for the time being, and becomes a special order for the time designated. (7) *If decided in the negative*, the body proceeds with the consideration of the measure as if the motion had not been made. (8) A motion to postpone to a time definite *can be renewed* after such business or debate shall have intervened as will make it really a new proposition. For it is quite possible that a body, after refusing to postpone to a time definite, may come to a point where such postponement is clearly desirable. It may then even decide upon the time previously rejected. For, under the changed conditions, this is now really a new and a different proposition. (9) *In grade* this motion is *equal* with the motion to postpone indefinitely, with the call for the previous question, and with the motion to commit. It is *inferior* to the question of consideration, the motion to lay upon the table, and all the incidental motions that can arise while it is pending, and to all the privileged motions. Hence, it can be sidetracked by any of these. It is *superior* only to the motion to amend. (10) It is *in order* when any main question or amendment, or any appendage to either of these is pending. Like the motion

to lay upon the table, it cannot be used to separate a main question and its appendages. Hence, if any appendage is so postponed, the main question is postponed also.

### SECTION III.—OTHER POSSIBLE MEANS.

92. **Many Other Means.**—Besides these motions that are specially designed to effect delay, there are many other means that may be used to prevent immediate consideration, or action, by a deliberative assembly. Indeed, in the hands of a skillful parliamentarian, all the privileges of debate and several of the subsidiary motions, as well as most of the incidental and privileged motions, may be used for purposes of delay. For example, when one wishes for any purpose to stave off action upon a measure, he may get the floor, and, in apparent debate, may simply talk against time. For, as we have seen, one cannot be taken from the floor so long as he is strictly in order. In Congress members have been known to talk all night, and for days and nights together, just to kill time. Or one may make any kind of motion that he can get the body to entertain, and do this with no other purpose than simply to take up the time of the body with the consideration of a side issue, and so stave off action on the pending measure. Or one may rise to questions of privilege, and have others do this; or may make and repeat as often as is allowable motions to adjourn; or move suspension of rules; or ask for the reading of papers; or raise points of order; or move absurd or unpractical amendments; or he may call for votes by yeas and nays, etc., apparently almost in endless filibustering. It is the power thus to abuse parliamentary law which has led some to think that it is very questionable whether there is any good in such law.

What would it be, however, if there were no law! And, besides, every deliberative body ought to have some recognized rule of cloture by which it can protect itself against those who would thus abuse its courtesy and patience. For such rules, see under *Cloture*. So also for the rules applicable to each of the various motions mentioned above, see under the appropriate head.

### DIVISION III.

	{	Previous Question.
For Partial Suppression...		Indefinite Postponement.
		Other Possible Means.

93. **General Character, or Nature.**—It frequently happens that members have no disposition to suppress a measure *entirely*, as is aimed at in the question of consideration. Neither do they care to effect any delay of action. But there may exist reasons for some sort of *partial* suppression. For example, the matter may be a delicate one, and members may desire that it should not be discussed, and so they may wish to suppress debate upon the measure, or it may be that there is willingness to discuss the measure, but unwillingness to vote upon it, and so they may desire to prevent, or suppress, any effort to make them vote upon the merits of the question. To accomplish these ends parliamentary law provides *especially* the call for the previous question and the motion for indefinite postponement. Other means for accomplishing one, or another, of these purposes will also be suggested.

SECTION I.—To Suppress Debate (Cloture) } Previous Question.\*  
 } Other Possible Means.

I. PREVIOUS QUESTION.

(I.) AS ORIGINALLY USED.

94. **To Remove From Before the Body.**—The previous question as it was originally used in England was similar to our *question of consideration*. It was a means used to secure, if possible, the total suppression of a measure. It was intended to prevent any consideration by the body of a proposed measure. Hence, it was offered only by those who wished the body to decide *against* sustaining the call for it. If the body decided against this call for the previous question—that is, refused to sustain the call, the measure was thereby taken from before the body. If the call for the previous question was *sustained*, however, all pending amendments and all further debate were cut off, and the body had to vote immediately upon the main question.\*\*

(II). AS SUBSEQUENTLY MODIFIED IN AMERICAN USAGE.

95. **To Cut Off Debate and Amendments.**—The use of the previous question in America came to have a purpose almost exactly opposite to that which it had originally. It came to be the instrument of the friends of a measure for securing as soon as possible a vote upon the

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\*The majority of people, perhaps, think that by the *previous question* is meant the *main* question. This is a mistake. The previous question means a certain question that may be demanded previously, namely, "Shall the main question be now put?" Strictly speaking, the designation is a misnomer; for there are other questions that may be demanded as previous to this one. But the privilege of demanding this question so peremptorily, somehow caused it to pre-empt and to maintain the name of the previous question." Cf. Mell, p. 48, new edition; also, Cushing, p. 50.

\*\*For fuller account of the previous question as originally used, see Mell, pp. 46-7, and, Reed, p. 87.

main question, with all pending amendments cut off. The only point in which there was still resemblance to its original use was the fact that, if the call was *sustained* by the body, all amendments and debate were thereby cut off. This use of the previous question still prevails in some deliberative bodies, notably so in many of those which use the manual prepared by President Mell. Under this use of the previous question, the mode of procedure was as follows: Some one would secure the floor, and say: "I call for the previous question." The president was then compelled to stop all other proceedings, and say: "The previous question has been called for: is the call seconded?" or, "Will the house sustain the call?" If the call was seconded by a sufficient vote, the chair would say: "The call is seconded" (or "sustained"). "Shall the main question be now put?" If this was decided in the affirmative, he must then put the main question, with all amendments cut off.

"Originally, the call for the previous question was sustained (or seconded) by a vote of only one-fifth of the members." Hence it was necessary to take the second vote, namely, "Shall the main question be now put?" For it might be, that, although the call was *seconded*, still, a majority of the assembly might refuse to vote that *the main question should be put*. Later, however, it required *a majority to second or sustain the call*,\* and so the vote to *second* or *sustain* was equivalent to a vote that the main question be now put, and the chair would often simply say, "The main question is ordered," when it had really only been seconded by a majority vote. He would thus save having to take another unnecessary vote.

### (III.) AS NOW USED.

96. **Simply to Cut Off Debate and Further Amendments.**—The present use of the previous question is simply to cut off debate and further amendments, and bring the body to an immediate vote upon the main question and its pending amendments in their proper order. It was often found very inconvenient when it was desired to cut off debate by the previous question,

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\*Mell, p. 49.

to have the pending amendments cut off also. At times, indeed, it was a very desirable thing to be able thus to get rid of proposed amendments, as well as of debate. And the prospect of getting rid of one was often an inducement to get rid of the other also, especially when the body had grown weary. But it was more frequently found to be a hardship that the body should be prevented from incorporating pending amendments simply because it proposed thus to cut off debate. Consequently the use of the previous question was further modified until it has come to be, as already said, only a measure for cutting off debate, and all amendments except such as are already pending. The following are the rules that now apply to its use:

97. **Ten points.**—(1) *To make this motion*, or call, one will secure the floor, and say: "I call for the previous question," or, "I move the previous question." (2) The call, or motion, *does not need a second*.\* (3) As soon as any one thus properly makes the call, or moves the previous question, *the chair must* stop all other proceedings, and say: "The previous question is called for; shall the main question be now put? All in favor will say 'aye.' All opposed say 'no.' "\*\* Or, "Will the house order the main question?" (4) This call, or motion, *cannot be amended*. (5) It *cannot be debated*. Its very aim is to cut off debate and further amendment, and to reach a speedy vote. Hence, delay is not tolerated. (6) If a majority vote to order the main question—that is, if the

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\*According to Roberts, the call for the previous question must be seconded as any other motion is (p. 47). There is no objection to such a rule, and in some assemblies it is observed, but, owing to the peculiar evolution of the question, it is not required. Roberts says also that a two-thirds vote is necessary to order the main question (p. 47). This, however, is a mistake. There is, as Mr. Reed shows (p. 202), no good ground for such a rule.

\*\*Mr. Reed, from the way in which he takes the vote on the call for the previous question (p. 89 of his book), evidently regards the previous question and the main question as identical. But compare footnote, p. 49, of this volume.



call for the previous question is *decided in the affirmative*, the chair will then immediately put the main question with any amendments that may be pending, taking the amendments in their proper order. (7) If *decided in the negative*, the body thereby refuses to order the main question, and proceeds with its business just as if there had been no such call. (8) The call for the previous question *may be renewed* after sufficient business shall have intervened to make the call, in effect, a new proposition. (9) *In grade* it is *equal* with the two motions to postpone and the motion to commit. It is *inferior* to the question of consideration (when the question of consideration is in order), and to a motion to lay on the table, and to all the privileged motions, and to any incidental motion that can arise while it is pending. It can, therefore, be sidetracked for the time by any one of these motions.

For example, while the call for the previous question is pending, or unsettled, and at any time before the vote is taken on the main question, it would be in order to move to lay the pending call upon the table, or to raise a point of order, or to ask for the reading of a paper, or for consent to withdraw the motion, or to move to suspend the rules, or to make any one of the privileged motions. If, however, any of these motions are presented pending the call for the previous question, they must, in order to avoid confusion, be decided peremptorily and without appeal. If error is committed, some means can be found afterwards to correct such error.

The call for the previous question is *superior* only to a motion to amend, and to a main question. (10) It is *in order* only as applicable to a main question, or to a main question with pending amendments. It cannot be applied to an amendment alone, nor to any other appendage to a main question.

It would seem, in view of the fact that the previous question is now used mainly to cut off debate, that it ought to be applicable to all debatable questions. This, however, would require it to be raised in grade above all the debatable questions. The United States House of Representatives has met the case by greatly raising this motion in grade, and thus extending its application. Any deliberative assembly which finds it important to exercise special control over debate can easily do so by passing a special rule extending the use of the previous question, so that

it will be in order and applicable to any question which is debatable. This is perhaps the easiest method for enabling an assembly to close debate. Under such a rule the previous question would be next in grade to the motion to lay upon the table.

98. **If Sidetracked.**—If the call for the previous question, with the matter out of which it grew, is sidetracked by any superior motion, e. g., by a motion to adjourn, or a motion to lay upon the table, then as soon as the business which was sidetracked comes up again, the action upon the call for the previous question will be resumed just at the point where it was interrupted.

99. **When Exhausted.**—The call for the previous question is *exhausted* with each application of it. For example, if a measure has been passed under a call for the previous question, and is afterwards *reconsidered*, this does not bring back the call for the previous question, that having been exhausted in its first application. Hence, also, while a vote ordering the main question to be put could be reconsidered *before* the main question is put, yet that vote ordering the main question could not be reconsidered *after* the main question had been put, for the whole force of the previous question is exhausted in bringing about the vote on the main question.

## II. OTHER MEANS FOR SUPPRESSING DEBATE.

100. (1) **By a Point of Order.**—It may be that one is trying to debate a question when debate is out of order. If so, the chair should rule debate out of order, and if he does not, any member may rise to a point of order and require that he so rule, and thus suppress the effort to debate.

(2) **By Special Motions for Suppressing Debate.**—  
a. *The Motion That Debate Close.*—If one desires that debate shall cease, he may, if he can get the floor, move, as an incidental motion, that *the debate now close*, or *that it close at such and such a time*—naming the time in

the motion. This being an incidental motion will have priority over any further effort to debate. And if decided affirmatively, the debate must close at the time named.

b. *The Motion to Limit Speeches.*—One may not desire to cut off all debate absolutely, but simply to *limit* or partially suppress it. In this case he may move that only so many more speeches be heard; or that all speeches be limited to a certain number of minutes. This motion is similar to the last one, and subject to the same rules.

c. *The Motion Fixing the Time for a Vote.*—Likewise, one may make a motion fixing the time for taking the vote. This, if agreed to, will, of course, stop all debate at that time. This motion is similar to the last two, and is subject to the same rules.

Since all of these motions are intended to cut off debate and to save time, they are not debatable when proposed as *incidental* motions. If offered when no other matter is pending, they are in that case main motions, and may be debated. Either of them can be *renewed* after any intervening debate, or business, that would make it really a new proposition.

## SECTION II.—TO SUPPRESS, OR AVOID, VOTING DIRECTLY UPON A QUESTION—INDEFINITE POSTPONEMENT.

101. *Its Nature.*—When one does not care to prevent debate on a proposed measure, but only wishes to prevent a vote on the merits of the question, the special means for doing so is the motion for indefinite postponement.

102. *Ten Points.*—(1) *To make this motion* one will secure the floor, and say: "I move that the matter be indefinitely postponed." (2) *A second is required.* (3) *The chair* will then state the motion. (4) *It cannot be*

*amended*. For any amendment would change entirely the character of the motion. (5) *It allows the fullest debate*, not only as to the postponement, but also as to the merits of the whole question. For it is a proposition to make final disposition of the measure. (6) *If decided in the affirmative*, the matter is thereby removed from the attention of the body, and cannot be brought up again except upon a reconsideration of the action that postponed it. (7) *If decided in the negative*, the effort to prevent a vote has failed, and the body will proceed just as if no such motion had been made. (8) The motion to postpone indefinitely *may be renewed* if there has been such consideration of the measure as to make the motion, in effect, a new proposition. (9) *In grade* this motion is *equal* with the motions to postpone to a time definite, the previous question, and to commit. Hence, it cannot sidetrack any of these, nor be sidetracked by any of them. It is *inferior* in grade to the question of consideration (where this would be in order), to the motion to lay upon the table, and to all the privileged motions, and to any incidental question or motion that could arise while it is pending. It can, therefore, be sidetracked by any of these. It is *superior* only to the motion to amend. (10) It is *in order* only when a main question is pending. It cannot be used to separate a main question from any of its appendages. To allow this, with the wide scope of debate that this motion affords, would give a shrewd parliamentarian the power of indefinitely hindering final action upon a measure

SECTION III.—To Suppress Amendments { By a Point of Order.  
 { By Voting Them Down.

103. Only Two Measures Left for This.—Since the previous question has ceased to be used as a measure for

suppressing pending amendments, there is no way now for simply suppressing such amendments except by having them ruled out of order, or by voting them down.

(1) *Suppressing an Amendment by a Point of Order.*—It often happens that a proposed amendment is out of order. It may be, for example, that it is a substitute, proposed when a substitute is not in order; or, perhaps, it is proposed to amend some motion or question that does not admit of amendment; or it may be that the limit for amendments is passed. In all cases where an amendment is proposed which is not in order, the chair may rule it out of order, and thus suppress it; or, if he fails to do this, any member may rise to a point of order and demand that he do so. The rules applicable to points of order are given in their proper place, under Points of Order.

(2) *Suppressing an Amendment by Voting it Down.*—If a proposed amendment is in order, then the only way now left to suppress it by itself is that of voting it down, unless the plan is adopted of allowing an amendment to be laid upon the table, without its taking the principal with it, which, as we have seen, is a vicious practice. There is nothing peculiar in taking a vote upon an amendment. The rule applicable to the order of voting on amendments will be found under the proper head of Amendments, paragraph 111, fine print.

#### DIVISION IV.

Motions to Perfect. { To Commit.  
                                  { To Amend.

104. **General Character.**—It is often the case, when a measure is proposed, that there is no disposition to suppress it *in toto*, or to delay it in any way, nor any disposition for even partial suppression, but only a de-

sire with some members to have the measure put into a more satisfactory shape for a final vote. Parliamentary law affords two special means for effecting this end. They are the motion to *Commit* (or *Refer*), and the motion to *Amend*.

### SECTION I.—TO COMMIT (OR REFER).

105. **Its Nature.**—A motion to commit, or refer, is a motion that a measure before the body be referred to a committee, so that this committee may take the measure and try to put it into a better shape for the action of the body. The special reason for so referring is that it is much easier for a small number properly to consider and shape a measure than for a large body to do this. Delicate matters may also be far more appropriately considered in a committee than in the assembly. There may exist other reasons also for referring a matter to a committee. For full discussion of committees and their work, see chapter on Committees. The motion to commit may be either with or without instructions.

#### I. MOTION TO COMMIT WITHOUT INSTRUCTIONS.

106. **Ten Points.**—(1) *To make this motion* one will secure the floor, and say: "I move that the matter (or 'the measure,' or 'the resolution') be referred to a committee." He should state in the motion the size and the kind of committee. He may, if he sees fit, state in the motion when the committee shall report; he may also name the committee, or suggest how the committee shall be appointed. If no such suggestion is made, the chair will usually appoint the committee, or ask, "How shall the committee be appointed?" and proceed as may be suggested. (2) This motion *requires a second*. (3) *The chair* will then say: "It is moved to refer," etc. (4)

This motion may be *amended as to* the character of the committee, or so as to make it a motion to commit with instructions. (5) It is *debatable as to the character of the committee*, and as to the *propriety of the reference*, but not as to the merits of the question. There is no need to debate at this time the merits of the question, as opportunity will be given for this when the measure is reported back by the committee. (6) *If decided in the affirmative*, the whole matter—main question and appendages—is taken from before the body and put into the hands of the committee. Until the committee shall report, or until the matter is taken from the committee by a vote of the assembly, any consideration of it by the assembly will not be in order. (7) *If decided in the negative*, the assembly will proceed with the consideration just as it would have done if the motion to refer had not been made. (8) A motion to commit *may be renewed* after any business has intervened which will make the motion, in effect, a new proposition. (9) *In grade* this motion is *equal* with the two motions to postpone and the previous question. It is *superior* to the motion to amend, and *inferior* to the question of consideration (where this is in order), and to the motion to lay upon the table, and all the privileged motions, and to any incidental motion or question that could arise while it is pending. (10) This motion is *in order* and applicable to any main question or amendment. It cannot be used, however, to separate a main question and any of its appendages. For it is evident that a committee which has to consider the main question ought to have for consideration the appendages also, and *vice versa*. Hence, as indicated above, a motion to refer either the main question or any appendage is a motion to refer the entire matter.

#### 107. The Question Upon the Report of a Committee.

--When a committee to which a matter has been referred reports the matter back to the body, the question then will be upon the adoption of the report of the committee, and not upon the matter as referred. The body may adopt the report, or it may amend the report, or the measure as reported, as it sees fit, or it may refer it again to the same committee, or it may discharge this committee and refer the matter to another committee, or it may refer different portions to different committees. The rules applicable to committees and their reports are given in full in the chapter on Committees.

## II. MOTION TO COMMIT WITH INSTRUCTIONS.

108. **Differs From the Other.**—A motion to commit *with instructions* differs from one without instructions only in that it *opens for debate the merits of the whole question*. It is a motion to give definite shape to the measure that is before the house, and hence it ought to admit of as full discussion as would the measure itself, or any proposed amendments to the measure.

## SECTION II.—TO AMEND.

109. **Its Nature.**—It may be that the body itself will prefer to endeavor to bring a measure into the desired shape for a final vote, rather than to refer it to a committee. If so, it may do this by means of amendments offered on the floor of the body. These motions to amend may refer either to parts of a paragraph or to an entire paragraph.

## I. AMENDMENTS THAT AFFECT PARTS OF A PARAGRAPH.

110. **Simplest Form of Motion to Amend.**—The motion to amend *some part* of a paragraph or sentence is



the simplest form of all the motions to amend. This is made in either of three ways, namely, by a motion to *insert* certain words in a clause, or sentence, or paragraph, or by a motion to *strike out* certain words, or by a motion to *strike out certain words and insert other words*.

111. **Ten Points.**—(1) *To make either of these motions* one must secure the floor and say: "I move to amend by inserting" (or, by striking out, or, by striking out and inserting) "after the words," etc. He will then state his proposed amendment, and read the sentence, or paragraph, as it would read when amended. (2) The motion to amend *requires a second*. (3) *The chair* will then read, or have the clerk to read, the paragraph, or sentence, as it stands, and then the amendment as offered. He will then have the paragraph, or sentence, read as it will read if amended, and say: "The question is upon the motion to amend." (4) A motion to amend is *subject to only one amendment* at a time.

If no limit were fixed to the number of amendments that might be offered consecutively, there would be endless confusion, and parliamentarians might, by offering amendment on amendment, effectually block all action. Hence a limit had to be fixed, and it was fixed at an amendment to an amendment. When, therefore, an amendment to an amendment is pending, there is no way to bring up another amendment until the one last offered is agreed to, or voted down. As soon as either of these is done, another may be offered, and so on indefinitely until the measure shall have been gotten into the desired shape.

(5) A motion to amend *admits* of a *wide range of debate*. Strictly speaking, the debate should be limited to the merits of the pending amendment; but it is often impossible fairly to discuss the merits of an amendment without entering more or less into the merits of the main question which it is proposed to amend. Hence the chair should not be too strict in holding the speaker to the proposed amendment. He should, however, require that the discussion have some sort of evident bearing upon the proposed amendment. (6) *If decided in the*

*affirmative*, the amendment stands incorporated into the preceding proposition, and the question recurs upon the proposition as amended. (7) If a motion to amend is *decided in the negative*, this is a simple rejection of the amendment, and the proposition will be before the house just as if the amendment had not been offered. (8) If a motion to amend has been lost, it *cannot be renewed in precisely the same words* as when the body voted it down. The principle in this is that when an assembly has once acted upon a measure, that action must stand, unless properly reconsidered or repealed. An amendment that has been rejected may, however, be offered again *in connection with other words*, provided that when so offered it is, in connection with these other words, a different proposition from the one already rejected. (9) *In grade* the motion to amend is *inferior* to all the privileged motions, and to any incidental question that could arise while it is pending. It is also the lowest of all subsidiary motions, and so cannot displace any of them, *except* when it grows out of one of them, in which case it will take precedence (e. g.: A motion to amend a motion to postpone to a time definite, or to amend an amendment). For example, when it is moved to amend a motion to postpone to a time definite, or a motion to commit, of course the motion to amend must come first, for it proposes a special disposition of this superior motion. (10) A motion to amend *is in order* and applicable when any main question or one amendment only is pending. It has a certain application also, as we have seen, to a motion to *postpone to a time definite*, and to a *motion to commit*. It is *not applicable* to an *amendment to an amendment*, nor to any of the other subsidiary motions, except those mentioned, nor to any of the regular incidental or privileged motions. And it is not in order to move an amendment to any proposition except the one imme-

diately before the body when the amendment is offered. For example, when an amendment is pending it would not be in order to move an amendment to the main proposition.

**112. Incompatibility in Amendments.**—One cannot be prevented from offering an amendment because of incompatibility with something already adopted by the body. For one of the very aims in offering an amendment may be so to shape a proposition as to make it specially objectionable. Hence, it is not the business of the chair to rule such an amendment out of order, or to call attention to any supposed incompatibility. But when amendments have been actually incorporated with a main proposition, making this main proposition, as amended, incompatible with some other proposition already passed, then, when the vote comes up on this incompatible proposition, the chair may call the attention of the body to the incompatibility, and thus prevent it from stultifying itself. Indeed, he may rule as out of order any measure which has been made thus incompatible with some previous action of the body.

**113. Striking Out Amendments That Have Been Agreed To.**—An amendment once agreed to cannot afterward be simply stricken out, for this would be contrary to a previous vote. A vote *not to strike out* is equivalent to a vote that the words shall stand. Such words may, however, be stricken out in connection with other words. But that which it is proposed to strike out must be in effect a different proposition from that which the body has already agreed to. If it is desired to get rid of exactly what has already been agreed to, the proper way to reach it will be first to reconsider the vote that agreed to it; this will bring that which was agreed to before the house again, and it can then be voted down as might have been done at first. (For rules applicable

to reconsideration, see under RECONSIDERATION.) The fact, however, that an amendment has been agreed to does not prevent the body from voting down the proposition as amended, for oftentimes, as we have seen, an amendment is passed simply to make it easier to kill the measure which has been thus amended.

## II. AMENDMENTS THAT COVER AN ENTIRE PARAGRAPH.

**114. Either of Three Ways.**—It is sometimes desired that an amendment shall cover an *entire paragraph*, or *section*. This also may be done in either of three ways, namely, by inserting an entire paragraph, or section; or by striking out an entire paragraph, or section; or by striking out an entire paragraph, or section, and inserting or substituting another in its place. As the rules applicable to these aims have given rise to much confusion, we will, for the sake of clearness, consider each of these points separately.

### (I.) TO AMEND BY INSERTING A NEW PARAGRAPH, OR SECTION.

**115. Ten Points.**—(1) To make this motion, one must secure the floor and say: "I move to insert after the words," etc., "the following," etc. He must state the words after which he wishes the insertion to be made, and read the new paragraph, or section, which he wishes to have inserted. (2) This motion *requires a second*. (3) *The chair* will then say: "It is moved to amend by inserting after the words," etc., "the following paragraph, or section," and he will then read, or have the secretary read, the proposition as it stands, and then the proposed amendment, and the proposition as it will read if so amended. He will then say: "The question is upon the amendment," or "the proposed insertion." (4) This motion to insert *admits of amendment*. (See

peculiarity in this respect under the next paragraph.) (5) The motion to insert and all motions to amend the proposed paragraph or section *are debatable*. (6) If the motion to insert is *decided affirmatively*, the proposed paragraph stands inserted as an amendment to the main question, and cannot now be stricken out\* or further amended, the body having decided that it shall stand in the form that it had when inserted. After the vote to *insert*, the question recurs on the main motion as thus amended. (7) *If decided negatively*, the paragraph which it was proposed to insert is lost, and the body can proceed as if it had not been offered, except under the following restrictions as to renewal. (8) When a proposition to insert a paragraph has been lost, it *cannot be renewed* in the same form. The same paragraph may be again offered, however, in connection with such other words as make it really a new proposition. (9) A motion to insert a whole paragraph is of the *same grade* as any other motion to amend. It is the lowest of the subsidiary questions. (10) It is *in order* when other motions to amend would be in order.

116. **Peculiarity of this Motion.**—The motion to insert a paragraph being really a motion to amend, would ordinarily admit of only one motion to amend it at a time. Such a plan, however, has been found to be tedious, and another rule has prevailed: Members are allowed to go on amending it just as they could with a main motion. That is, one may move to amend the proposed paragraph, and then before any vote is taken on this, another amendment may be offered to this last proposed amendment.

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\*This only means that the precise paragraph cannot be stricken out. It may be stricken out in connection with other words or paragraphs which make the proposition to strike out really a new proposition.

(II.) TO AMEND BY STRIKING OUT AN ENTIRE PARAGRAPH, OR SECTION.

117. **Ten Points.**—(1) *To make this motion* one will secure the floor and say: "I move to strike out such or such a paragraph." He must state exactly what he wishes to be stricken out. For example, "I move to strike out the paragraph beginning with the words," etc., "and ending with the words," etc. Or if the paragraph be numbered, he may refer to it by its number. (2) This motion *requires a second*. (3) *The chair* will then state that it is moved to strike out such or such a paragraph, or section, calling attention definitely to the paragraph, or section, which it is proposed to strike out. (4) This motion to strike out, being a motion to amend, is *subject to amendment*. (See peculiarity in this respect under the next paragraph.) (5) The motion to strike out, and all the motions to amend *it, are debatable*. (6) If *decided in the affirmative*, the paragraph is stricken out, and cannot be offered again in the same form. It may, however, even yet be stricken out in connection with other words which make the proposition to strike out really a new proposition. (7) If *decided in the negative*, the assembly thereby refuses to strike out the paragraph, and more than this, the refusal is equivalent to a vote that the paragraph shall stand, and (8) the motion to strike out *cannot be renewed* in the same form, and it is now not subject to any further amendment. It may, however, be stricken out in conjunction *with other words*. (9) This motion is of the *same grade* with all other motions to *amend*. (10) It is in order when any motion to amend would be in order.

118. **Peculiarity of this Motion.**—The motion to strike out a whole paragraph has the same peculiarity as to amendments that characterizes the motion to insert a

paragraph. The same mode of procedure exactly is applicable here. (See paragraph 115).

(III.) TO AMEND BY A SUBSTITUTE, OR THE MOTION TO  
AMEND BY STRIKING OUT ONE ENTIRE PARA-  
GRAPH, OR SECTION, AND INSERT-  
ING ANOTHER.

119. **Parliamentary Pons Asinorum.**—This is to many persons the most difficult of all the procedure in reference to amendments. It is to many a veritable sort of *pons asinorum* in parliamentary practice. It involves the principles of what is often called a substitute. What has been said, however, under the last two heads will, it is hoped, make this easy to understand. First of all, let it be understood that a substitute, in parliamentary law, is only a proposed amendment, that is, an amendment which proposes to strike out a whole paragraph, or section, or all after the word resolve, and insert something in its place. Sometimes it goes by the name of *substitute*; sometimes by that of *amendment*. But in all cases it must be treated as a proposed *amendment*.

120. **Ten Points.** (1) *To make this motion* one will secure the floor and say: "Mr. President, I move to amend by striking out such and such a paragraph, and inserting the following." Or he may say, "Mr. President, I wish to offer for such and such a paragraph the following substitute." In either case he must show clearly what it is he wishes to strike out and what it is he wishes to insert. (2) *This requires a second.* (3) *The chair will then say:* "It is moved to strike out such and such a paragraph, and to insert in lieu thereof the following." He must then read, or have the secretary to read, the paragraph which it is proposed to strike out, and then the paragraph which it is proposed to insert, and the chair will then say: "The question is upon the

motion to strike out and insert" (or upon the motion to substitute.) (4) The motion *admits of amendments*. (See peculiarities under the next paragraph.) (5) *It admits of debate*. (6) *If decided in the affirmative*, the paragraph is stricken out and the substitute takes its place. It will not be in order after this to move to strike out or amend that which has been inserted, for the body, after full consideration and full opportunity to amend, has voted that this shall be inserted and shall stand as its action. While, however, the paragraph (or section, or series) so inserted could not be thus directly stricken out, yet it would be in order to strike this out in conjunction with other words, which would in effect make the proposition to strike out a new one. Or the entire measure might still be rejected. For the fact that the assembly wished this paragraph to be inserted in the measure upon which it is to vote does not in any sense bind the body to vote for the measure as a whole. (7) *If decided in the negative*, this would only mean that these special words should not be stricken out *and the other special words inserted*. The original words might still be stricken out, or they might be stricken out and new words inserted. In short, anything else could be done with them except that precise thing which the body has by vote refused to do. (8) If, however, the motion to substitute is lost, the *precise motion as lost cannot be renewed*. For the body is supposed to have known its mind when it rejected the substitute. (9) This motion is of *the same grade* with all other motions to amend and (10) it is *in order* when other motions to amend would be in order. It must be, like all other amendments, strictly germane to the motion then pending. For example, it would not be in order to move a substitute for the whole matter, when a motion to *amend* is



pending. For this motion to substitute would not be germane to the pending amendment.

**121. Peculiarities of this Motion.**—This motion embraces the peculiarities of the last two motions, and has some others that belong only to itself. All of these will be so presented now as to make them as easy as possible of mastery. (1) It is a rule under this motion that *members must not be required to vote upon striking out a whole paragraph until each one who so desires shall have had an opportunity to try to amend the paragraph according to his notion.* Members must claim this privilege, however. It is not the duty of the chair to remind them of it. They must also claim it while the paragraph is before the body for consideration. For if they allow the paragraph to be passed, it will then be too late. They cannot recall it, except by special permission. (2) It is a rule also that each one shall have the privilege of trying to amend, according to his notion, the paragraph which it is proposed to insert. This can, indeed, hardly be called a peculiarity, as the right to try to amend a proposed amendment is only an ordinary right. The peculiarity, if there is any, is rather in the method of its application. (3) The plan of procedure is as follows: a. Any who desire to offer amendments to the proposed substitute will claim the right so to do.\* And the house will proceed to act upon such amendments as are offered. The same peculiarity as to more than one amendment at a time prevails here as under motions to insert an entire paragraph. (See 115.) b. When all efforts to amend the proposed substitute cease, the chair will hold up this measure until those who desire to amend the paragraph which it is proposed to strike out, shall have full opportunity

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\*It is not the duty of the chair to remind members of the right to try to amend a paragraph before a vote can be taken on striking out or inserting.

so to do, provided they make known to him the fact that they have such a desire. The same peculiarity as to more than one amendment prevails here also as under 115 and 116. c. When all efforts to amend the original paragraph cease, the chair will then say: "The question is upon the motion to strike out and insert." He will then read (or have the secretary read) that which it is proposed to strike out as it then stands, and that which it is proposed to insert in its place, and, if necessary to clearness, the whole proposition as it will stand when so amended. d. Each side having now ceased from efforts to amend, it is too late for further amendments to be proposed. e. It is in order, however, to have debate upon the question of striking out and inserting, as then proposed. f. The question must be taken by the chair, upon the whole question of striking out *and inserting*, unless the house, by special vote, orders a division of the question. For all the efforts to amend, on both sides, have been based upon the idea of either retaining the original, or else of striking that out and inserting the substitute, and no one has a right to claim a division of the question unless by special vote of the body.

**122. One Mode of Forestalling Efforts to Amend a Paragraph.**—There is one way now in which the friends of a paragraph can possibly be prevented from exercising their privilege of trying to amend it. Some one may call for the previous question, as soon as the motion to insert, or to strike out, or to strike out and insert is before the house. If the house sustains the call, this, of course, would stop all further effort to amend, and bring the assembly directly to a vote on the main question and its pending amendments.\* The order of the

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\*The position here taken is sustained in a written opinion by ex-Speaker John G. Carlisle.

vote would be first on the motion to insert, or to strike out, or on the proposed substitute (if one was pending) as the case may be, and then on the main question as amended or unamended. The modern use of the previous question has opened the way for this sort of tactics.\*

### III. AMENDMENT OF A SERIES OF RESOLUTIONS, OR PARAGRAPHS.

**123. Best to Refer to a Committee.**—Ordinarily, the easiest way to perfect a series of resolutions, or paragraphs, is to refer it to a committee, either with or without instructions, and let the committee endeavor to put it into the desired shape, and report it back to the assembly for final action. Especially is this true if there has developed in the assembly much difference of opinion as to proposed amendments. For the manner of working in committee, see chapter on Committees.

**124. Must Proceed in Regular Order.**—If the assembly itself undertakes to amend a series of resolutions, or paragraphs, either before or after reference to a committee, it must proceed with them in regular order. It cannot go back to one that has been passed over. It is to be supposed that, in any series of resolutions, or paragraphs, there is some proper relation of that which goes before to that which follows. And, hence, the natural way to amend would be to take them in the order in which they occur. A failure to proceed in this way would at times result in confusion, and in very unsatisfactory work by the assembly.

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\*Under the old use of the previous question, if the call was sustained, it cut off all proposed amendments, and brought the body directly to a vote on the main question. Now, however, if the call for the previous question is sustained, it will allow a vote on any pending amendments, but it will prevent the offering of any further amendments, either to the proposed substitute, or to the paragraph which it is proposed to alter. Hence a shrewd parliamentarian may use it to deprive the friends of a paragraph of their right to try to amend it.

**125. The Ordinary Rules for Amending Apply Here.—**

In amending a series of resolutions, or paragraphs, thus in regular order, the same rules will apply to each resolution, or paragraph, that would apply if the resolution, or paragraph, stood alone. Words may be stricken out; or words may be inserted; or words may be stricken out and others inserted. So also an entire resolution, or paragraph, or several of them at once, may be stricken out; or an entire resolution, or paragraph, or several of them at once, may be inserted; or an entire resolution, or paragraph, or several of them at once, may be stricken out and another, or others, inserted.

**126. Preamble Last.**—If there is a preamble to the series, this must be left until the assembly is through with the series; then it can be seen what amendments, if any, are needed in the preamble in order to adjust it to the series, and the assembly may proceed to amend it accordingly. It is evident that a suitable preamble cannot be prepared until the body of the proposition has received its final adjustment.

**127. Must be Adopted as a Whole.**—After all the amendments have been made, both to the series and to the preamble, the entire paper, as amended, must be read, and the vote must be taken on its adoption as a whole.

**IV. AMENDMENT, OR CORRECTION, OF MINUTES.**

**128. Done Informally, or Under Ordinary Rules for Amendment.**—The minutes are, strictly speaking, not subject to *amendment*. Minutes should be only a record of that which has been actually done by the assembly. At the same time the secretary may have failed to keep the minutes as he should have done, and the body has a right to *correct* the work of its secretary. The usual

way is to make such corrections in an entirely informal manner. The chair will say, after the reading of the minutes: "If there is no objection, the minutes will stand approved." Then, if any one desires to do so, he will call attention to a supposed error, and the chair will say: "If there is no objection, the correction will be made." And if no objection is made, the secretary will make the correction as indicated. If, however, there is objection to the minutes as read, and a difference of opinion as to the proposed correction, a motion will have to be made to *amend the minutes as read by the secretary*. And this may be a motion to amend either by *striking out*, or by *inserting*, or by *striking out and inserting*. Such a motion will be subject to the rules that apply ordinarily to motions to amend. It is not necessary to move the adoption of the minutes as a whole. When due opportunity has been given to correct, or amend, the chair will simply say: "If there is no objection, the minutes will stand approved." If, however, there is objection, then a motion must be made and a vote taken on the motion.

129. **Previous Question Not Applicable.**—It is not in order to call for the previous question on a motion to amend, or correct, the minutes.\* The reason for this is twofold. In the first place, there is usually no main question to be ordered, there being, ordinarily, no motion to adopt the minutes as a whole. But, secondly, even if there were pending a main motion to adopt the minutes as a whole, the vote ought not to be ordered on this until the assembly has had full opportunity to make all proper corrections in the minutes. This opportunity would be cut off if a call for the previous question were sustained. For after that no further amendments, or corrections, could be proposed.

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\*Mell, p. 51.

## V. AMENDMENT BY FILLING BLANKS.

130. **Idea or Purpose.**—Another mode of amending a measure is that of filling blanks. It is often the case that the one drafting a measure will prefer to have the body itself fill it in at certain points. For example, if an appropriation is to be made, or a date is to be fixed, the person or the committee that drafts the measure may prefer to have the body itself agree upon the amount, or the date, rather than try to fix this apart from the assembly. If so, a blank space, or even several blank spaces, may be left in the measure for the body to fill.

131. **Mode of Procedure.**—For convenience sake, the *strict rules* as to amendments are somewhat *relaxed*. When the measure containing the blanks is presented and seconded, the chair will say: "The first thing in order will be to fill the blanks." Beginning with the first blank to be filled, he will then allow any number of propositions for filling the blank. No second will be required to any of the propositions. When no one wishes to make any further propositions for filling the blank, the question will be between the various propositions. This can sometimes be settled entirely informally by general consent. If this is not speedily done, a vote must be taken. The question on filling a blank is *debatable* to the same extent that an amendment is debatable. When the vote is taken, it will be taken *first* upon the *largest number* or the *most distant date*. If this fails of a majority, then upon the next largest, and so on until one is agreed to. When one of the propositions has the required number of votes, then the proper insertion is made, and so on until all the blanks are thus filled.

132. **Open for Further Amendment.**—The measure thus filled up, or amended, will then be open for still

further amendment just as it would have been if the blanks had all been filled at the first. That, however, which has been inserted by the assembly cannot now, without reconsideration, be stricken out, except in connection with other words. For this would be to nullify what the assembly has specially agreed to.

**133. Grade and Applicability.**—The motion, or suggestion, to fill a blank is of the *same grade* as a motion to amend. It is *in order*, even prior to any other form of amendment, when a measure is introduced which contains a blank. For the assembly is hardly in a position to make other amendments while blanks are unfilled. It is *not in order*, however, to try to amend in this way of filling blanks except where the measure, as *originally introduced*, actually contained a blank. For example, it would not be in order to strike out something by amendment, and then to regard the measure as containing a blank to be filled. The plan of amending where no blank *originally* existed must be that already described as the usual mode of amending; namely, by inserting, or by striking out, or by striking out and inserting.

## VI. AMENDMENT BY TRANSPOSITION.

**134. Purpose and Mode of Procedure.**—It may be evident that certain words in a proposed measure would be more suitable in some other portion of the measure than in the connection in which they are found. In such a case a member may state that he thinks the words ought to be stricken out from their present connection, and inserted at such or such a point. With this explanation, he will first move that the words be stricken out. If this is agreed to, he will then move the insertion of the same words at the desired point. Or, if he is afraid that, after getting the words stricken out, he

may be deserted by some who voted to strike out, and find himself unable to get them inserted at the desired point, he may offer the motion to strike out from one place and insert at another *all as one motion*. The rules governing efforts for amendment by transposition are the same as those for an ordinary amendment, the principle being precisely the same.

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## CHAPTER IX.

### CONDUCT OF BUSINESS CONTINUED—INTERVENTION OF INCIDENTAL MOTIONS.

135. **Their General Character.**—In the conduct of business by a deliberative body it often happens that certain questions arise by the way, or incidentally, and upon the proper decision of these, as they arise, must depend the proper and successful management of the other business. These questions, because they arise thus incidentally, are called incidental questions, or incidental motions. The chief incidental questions, or motions, that can arise may be classified as follows:

**Points of Order.**

**Reading of Papers.**

**Withdrawal of Motions.**

**Suspension of Rules.**

**Division of the Question.**

**Method of Consideration.**

**Limiting Speeches.**

**Closing Debate.**

**Taking Vote, etc.**

Those inclosed by brace are of *equal* grade one with another, unless one of them *grows out of, and is incidental* to one of the others. In that case the one that



is incidental to the other will have precedence. The point of order is *superior* to all the others.

It is evident that many other questions besides these may arise incidentally in the consideration of a matter by a deliberative assembly. Those mentioned in the above scheme, however, are the chief incidental questions, and concerning these, parliamentary law has become well fixed. As to all other incidental questions, it may be said in general, *that any incidental question takes precedence of the question out of which it grows, and where a question arises incidentally, it should be decided without debate, if possible.*

## SECTION I.—POINTS OF ORDER AND APPEALS.

### I. POINTS OF ORDER.

**136. Their Nature.**—The aim in a point of order, or question of order, is to have the chair rule as *out of order* something that is engaging the time or attention of the house. It is the business of the chair to require that everything shall proceed according to the rules of the assembly. If the chair does not perform this duty of demanding the proper order, any member may rise to a point of order and demand it.

**137. Ten Points.**—(1) *To make a point of order* any member may rise, and, without waiting to secure the floor, he may call out, "Mr. President, I rise to a point of order." He must do this as soon, however, as he observes what he thinks is out of order, and not wait for the business to progress, else the chair may rule that the point of order was made too late. "If there be confusion, simply rising and endeavoring to make the point saves all rights."\* One may even rise to a point of order while another is speaking: he may also interrupt with a point of order any business that is before the body. (2) *No second* is required, the point of order being rather a demand for one's rights than a motion. (3) As soon as the point is raised, *the chair* must stop

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\*Reed, p. 143.

all proceedings and say: "Please state your point of order." The complaining member must then state what it is that he thinks is out of order. The chair will then decide whether the point is well taken. (4) A point of order *cannot be amended*. It is a definite demand that needs to be settled. (5) Pending the decision of the point by the chair there *cannot be any debate* of any kind. A point of order can never be debated except under an appeal. (See below under Appeals.) (6) *If the chair decides affirmatively*—that is, that the point is well taken, then he must see that that which is out of order is corrected. (7) *If he decides negatively*, that is, that the point is *not* well taken, then either of two courses is open to the member who raised the point of order. He may either take his seat and submit to the decision of the chair and let the business proceed as before, or he may say: "I respectfully appeal from the decision of the chair." (See below under Appeals.) (8) A point of order, when once decided, *cannot be renewed*. (9) *In grade a point of order is superior to any question out of which it springs*—that is, to any question to which it is incidental. This is true even as to privileged questions. For in the nature of the case, an incidental question must take precedence of the question that caused it to arise.\* (10) A point of order is *in order and applicable* whenever anything is taking up the attention of the body which at the time has no right to this attention. It may, however,

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\*Of course, any question that would sidetrack *the question out of which the incidental question springs*, would sidetrack with that the incidental question also. For example, if a question of privilege were pending, and a point of order were raised upon that, and before the point of order was decided, a motion were made to adjourn, the motion to adjourn *being superior to the question of privilege, would be superior to the point of order which grew out of the question of privilege*. Both would be sidetracked together. If, however, while a motion to adjourn was pending, a point of order were to spring *out of the motion to adjourn*, the point of order would have precedence because *its settlement would be incidental to the settlement of the motion to adjourn*.

be sidetracked for the time being by the motion to lay the point of order upon the table, and by any of the privileged motions. If so, however, when the matter is taken from the table, the point of order will be the first thing before the body. A point of order is not in order for the purpose of separating a principal motion and any of its appendages. The practice in many legislative bodies does not conform to this very proper rule, and a point of order is by them often laid upon the table as the quickest way of suppressing it. This practice, however, is a vicious one, as nothing should be laid upon the table which cannot be called up again. Hence, when a point of order is laid upon the table the whole business out of which it grew should go to the table also.

**138. Often Raised for Information Only.**—A point of order is often raised merely for the purpose of getting information from the chair. The same thing could be more properly accomplished by rising to a question of information, which is a question of privilege. In either case, if the question is one as to parliamentary law, the chair should cheerfully give the information. If the question is not one of parliamentary law, the chair would usually better refer the party to other sources, or simply state that it is not in the province of the chair to give that kind of information.

## II. APPEALS.

**139. Appeals—Their Nature.**—If, when one rises to a point of order, the chair gives what seems to be a wrong ruling, any member has the right to throw himself upon the assembly for a correction of the unsatisfactory ruling. This he does by an appeal. But this right of appeal must be exercised as soon as possible after the unsatisfactory decision is rendered. It will be

too late if other business is allowed to intervene. "If there be confusion at the time, then rising and endeavoring to make the point saves all rights."\*

140. **Ten Points.**—(1) *To make an appeal* one will say: "I respectfully appeal from the decision of the chair." (2) *The chair will* immediately say: "The gentleman appeals from the decision of the chair" (or, "An appeal is taken," or, "The gentleman appeals.") "Shall the decision of the chair be sustained?" or ("The question is, shall the decision of the chair stand as the decision of the body?") This throws it directly upon the body to decide between the chair and the member appealing. (3) No motion is required, and *no second* to the appeal is needed.\*\* (4) *No amendment* to the question can be offered. (5) *Debate is allowed* as to the correctness of the ruling, *provided* the question is not a personal one. For example, an appeal upon a ruling as to receiving a report or entertaining a motion might be debated. But *if anything personal* is involved, an appeal does not admit of debate. Where debate is allowed, each member may speak once. The chair may justify his ruling without leaving the chair. (6) If the vote is in the *affirmative*, or is a *tie*, the decision of the chair stands, and the member who appealed must submit. (7) If decided in the *negative*, then the chair must correct the thing complained of, and the business will proceed accordingly. (8) An appeal once decided cannot be *renewed*. Yet the chair may reverse his decision, and try to correct any harm that may have been done, provided his reversal would not amount to a reversal of some action of the assembly. If his reversal

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\*Reed, p. 143.

\*\*Robert and Gore hold that an appeal requires a second. Cushing and Mell teach otherwise. Reed and Fish are silent on the point. It seems clear that a second should not be required unless under a special rule, since an appeal is a claim of one's rights, and not a motion.

would amount to this, his first decision must stand. An assembly may, however, *reconsider* or repeal a decision that it has made or acquiesced in, as to an appeal. (9) *In grade* an appeal is of the same rank with a point of order, it being in most cases really only one phase of a point of order. (10) It is *in order* always when a ruling has been made by the chair which is not satisfactory, provided it is taken as soon as possible after the ruling which is objected to. A second question of order upon the same question, however, cannot be raised until the first is decided.

141. **Cannot be Separated from its Principal.**—An appeal cannot be separated from its principal. For example, it would not be in order to lay an appeal upon the table. For if action should be taken on that out of which the appeal grew, it would be too late ever to call the appeal from the table. The practice in some assemblies, in Congress for example, is different from this, but improperly so.

142. **Appeals Should be Welcomed.**—The chair should never feel irritated at appeals, nor when the assembly decides against him. He should welcome appeals, since the best opportunity is thus afforded him to justify his ruling. If the assembly decides against him, he should show the utmost respect for their decision. He is their servant, not their master.

## SECTION II.—READING OF PAPERS AND REPEATING MOTIONS.

### I. READING OF PAPERS.

143. **Its Nature.**—The *idea* in a call for the reading of papers is that members may have certain information which is needed. Pending the decision of a question before the body, this may, at times, become very im-

portant in order that members may understand what they are to vote upon, and how to vote.

**144. Ten Points.**—(1) *To make this call or motion* one will secure the floor and say: "I call for the reading of the paper." He will describe or indicate the paper. If no objection is made, the chair will, ordinarily, order the paper to be read. But if objection is made, a motion for the reading will have to be made. (2) This motion requires a *second*. (3) *The chair* will then say: "It has been moved and seconded that the paper be read." He will then take the vote upon the motion. (4) The motion *cannot be amended*. (5) It *cannot be debated*. Nothing could be gained for the body by allowing either. (6) If *decided affirmatively*, the chair will order the paper to be read, or read it himself. (7) If *decided negatively*, the business will proceed without the reading. (8) The motion so decided *cannot be renewed*, but the negative vote may be reconsidered. (9) *In grade* this motion is *superior* to all subsidiary motions except such as grow out of it, for example, the motion to lay this motion on the table. It is inferior to all the privileged questions. It is of *equal grade* with all the other incidental motions *except* the point of order.\* (10) It is *in order* and *applicable* whenever the information contained in any paper is needed, provided no motion of superior grade is in the way.

**145. The Right to Have a Paper Read.**—If it is a paper upon which a vote is to be taken, the rule is that every member has a right to hear the paper read at least once before the final vote. And no one can be deprived of this right except under a suspension of the rules.\*\* If the paper has already been heard by the member, or if

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\*Of course if any incidental question should arise directly out of the motion to have a paper read, the question so arising would take precedence, under the rule that an incidental question must always be decided before the one out of which it arises.

\*\*Mell, pp. 68 90.

it is a paper upon which no vote has to be taken, the member cannot demand it as his right that the paper be read. He may, however, *move* to have any paper read which bears upon the question, and the body will decide.

## II. REPEATING MOTIONS.

146. **The Same Rules Apply.**—The same rules that apply to the reading of papers that have to be voted on will apply to the demand that a motion be repeated before the body. One has a right to know what a motion is before he can be called on to vote upon it. Besides, he could, if he wished, demand that the motion be put in writing, and thus have it thrown into the shape of a *paper that could be read*. Hence, when a restatement of a motion is requested, the right thing is for the chair to restate it with as little ado as possible. If the chair refuses to do so, or if objection is raised, a motion may be made to have the motion repeated, or it may be demanded as a question of privilege.

## SECTION III.—WITHDRAWAL OF A MOTION.

147. **Its Nature.**—The aim, or purpose, in the withdrawal of a motion is to get it from before the body, and thus prevent further action upon it. at least for the present. Circumstances often arise which make this desirable. And sometimes measures are introduced for one purpose, or another, with the intention in the mind of the mover to withdraw them before the body can take final action upon them. This privilege of withdrawing a motion, or asking leave to withdraw, is a right that pertains only to the one who offered that motion.

148. **Ten Points.**—(1) *To accomplish this* one will secure the floor and ask that he be allowed to withdraw the motion. The chair will usually say: "If there is no objection, the measure can be withdrawn." But if there is objection, a motion will have to be made for

leave to withdraw. (2) This motion requires a *second*. (3) The chair will then state the motion and the question, and take the vote immediately. (4) *No amendment is allowed*. (5) It is *not debatable*. (6) If *decided affirmatively*, the motion and all its appendages are taken from before the house. (7) If *decided negatively*, the consideration proceeds as if the motion had not been made. (8) It *can be renewed* after such business has intervened as to make it in effect a new proposition. (9) *In grade* it is superior to any motion to whose proper settlement the motion to withdraw is incidental. This would usually make it superior to all the subsidiary motions. It is of *inferior* grade to all the privileged motions, and to a point of order, unless it springs out of the point of order, and is incidental to it. Then it takes precedence of it. (10) A motion for leave to withdraw is *in order* and *applicable* when any measure is before the house which may be withdrawn, provided there is no motion of superior grade in the way.

One might even ask leave to withdraw a motion to lay upon the table, or a point of order, or any privileged motion. In these cases the motion to withdraw would take precedence, not because naturally of higher grade, but because it would be *incidental* to the superior motion; and so would need to be decided first.

**149. Consent of the Body Now Required.**—Formerly it was the rule that the mover of any measure had the right, without the consent of any one, to withdraw the measure at any time previous to a vote of some kind upon it.\* After that he must get the consent of the body. This, however, allows of abuse. And the rule now is that, after a measure has been made and seconded and the question stated to the body, it is the property of the body, and the mover has no right to withdraw it except by unanimous consent, or upon a special vote of the body agreeing to its withdrawal.\*\*

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\*Mell, p. 69.

\*\*Reed, p. 137, cf. p. 79; also, Roberts, p. 43.



## SECTION IV.—SUSPENSION OF RULES.

150. *Its Nature.*—The aim, or purpose, in a motion to suspend the rules is to get out of the way, for the time being, some rule that stands in the way of a desired action. It frequently happens that some parliamentary rule which is good for general purposes, may, at a particular time, be very inconvenient. To meet this difficulty, the motion to suspend the rules has been devised.

This is proper, because parliamentary law is intended to facilitate business, and not to hinder it. When, therefore, a rule stands clearly in the way of some desirable action, the best thing is to suspend the rule for the time being, just as a rule which stood permanently in the way would be permanently suspended, or repealed.

151. *Ten Points.*—(1) *To make this motion* one will secure the floor and say: "I move the suspension of the rules" (or, "that the rules be suspended.") He should not mention any *particular* rule, but he should state the *special purpose* that he has in making the motion. (2) *A second is required.* (3) The *chair* will then state the motion and question, and take the vote immediately. (4) The motion *cannot be amended.* (5) It is *not debatable.* To allow either of these would be a disadvantage, without any compensation. (6) *If decided affirmatively,* the body can then act as it pleases on the measure, all rules that would hamper action upon it being now suspended. (7) *If decided negatively,* the business proceeds as if the motion had not been offered. (8) It may be *renewed* after such business has intervened as to make it in effect a new proposition. (9) *In grade* the motion to suspend the rules is *superior* to any motion to whose settlement the motion to suspend the rules is incidental. (10) This motion is *in order and applicable* whenever any rule stands in the way of desired action, provided it is not prevented by some

motion of superior grade. If so, it can only be brought up after such motion is gotten out of the way.

152. **Vote Necessary to Suspend the Rules.**—Since it is only under the rules that members have their rights, it is evident that there should be some restrictions as to suspension of rules, else a bare majority could at any time use the right to suspend the rules as a tyrannical method for overcoming the minority. Some writers say that, where there is no special provision, a two-thirds vote is required in order to suspend the rules.\* Some have taught that, in the absence of any special rule, it requires unanimous consent.\*\* But this would allow a minority to tyrannize over an overwhelming majority. It would certainly seem that when a majority can show a two-thirds vote the minority ought to give way. It is always best for a deliberative assembly to pass some special rule of its own as to the majority required for a suspension of the rules. Then there can be no doubt upon the point. *Majority rule is a fundamental principle in deliberative assemblies, except where an assembly voluntarily makes some other rule for itself.*

153. **Good Only for the Object Specified.**—If the rules have been suspended for any special purpose, then, as soon as that particular matter is attended to, the suspension is exhausted, and the rules are again in force. It is not lawful to suspend the rules for one purpose, and under that suspension to bring up something else.

#### SECTION V.—DIVISION OF THE QUESTION.

154. **Its Nature.**—*The idea, or purpose, in a motion to divide a question is to enable an assembly to vote on the different parts separately. A question before a*

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\*Robert, p. 44

\*\*Mell, p. 69.

deliberative assembly frequently covers two, or more, separate propositions; and the body may be in favor of one of these and not of the other. Hence, there has arisen the incidental motion for a division of the question. A member cannot demand the division as a right, yet it is his privilege to ask and to move such a division.

155. **Ten Points.**—(1) *To make this motion* one will secure the floor and ask, or move, that the question be divided. He should *indicate* in the motion just how he desires the question to be divided. (2) *A second is required.* (3) *The chair will say:* “A division of the question is called for.” If there is no objection, the question will be divided, and the vote on the separate parts will be taken as requested. If there is objection, then the motion to divide must be put to a vote. (4) *The motion does not admit of amendment.* One may, however, if he can get the floor, *suggest* a different division. Or, if the motion is lost, a motion for another sort of division would be in order. (5) *It cannot be debated.* (6) *If decided affirmatively,* the vote will be taken upon each part separately, as indicated in the motion. (7) *If decided negatively,* this effort to have the question divided fails, and unless other means for division are resorted to, the vote will be taken upon the measure as a whole.

If the effort to have a question divided has failed, the same may possibly be accomplished by the regular plan of amendments. For example, one may move to amend by striking out one or the other part. If more than one proposition is objectionable, he may attack, in this way, first one, and then another, until he has brought the body to vote upon each proposition separately.

(8) A motion to divide a question *cannot be renewed* in the same *form*. This is upon the same principle that a motion once voted upon cannot be offered again in precisely the same form. (9) *In grade* this motion is

*superior to any question out of which it springs.* When in order, it would be naturally superior to such subsidiary motions as could arise, except the motion to lay upon the table. It is *inferior* to all the privileged motions and to any incidental motion that might be made incidentally to it, and to all the incidental motions except those as to method of consideration. (10) It is *in order and applicable* whenever a vote is asked upon a question which properly admits of division, provided no motion of superior grade stands in the way. In order for it to apply, however, the question must be clearly divisible, so that either part may stand alone if the other is lost. If the question is not one that can be thus properly divided, the chair should rule the motion *to divide* as out of order. And, if he does not, any member may raise the point of order, and the chair must so rule, subject, of course, to appeal.

#### SECTION VI.—METHOD OF CONSIDERATION.

**156. Nature of Motions of This Kind.**—When a measure is introduced before a deliberative body for consideration, it may be desirable that some special plan of consideration should be arranged for. For this purpose a variety of motions as to method of consideration will apply. For example, a motion may be offered as to the time that shall be given for consideration; or a motion as to the time or manner of taking the vote; or as to how many speeches shall be made, and the division of time among the speakers; or as to the length of speeches; or as to the manner of taking the vote, whether by ballot, or yeas and nays, etc. It is evident that any one, or several, of these motions, and other similar questions, or motions, might arise as to the consideration of a measure.

157. **Ten Points.**—(1) *To make* either of these motions a member will secure the floor, and offer the motion that he may desire to offer, affecting the method of consideration. These motions are usually offered as incidental motions. Some of them may, however, be offered as main motions before the matter for consideration is introduced. In such cases they are, of course, treated as main questions, and not according to the rules for incidental questions. (2) A *second* is *required*. (3) The *chair* should then state the motion as offered, and the question. (4) These motions *admit of amendment*. For the method suggested might not be at all in accord with the idea of the body. (5) *Neither the motions, nor the proposed amendments are debatable*. In some cases this last rule may be a hardship, and a disadvantage. But in general the rule greatly helps in expediting business. (6) When any of these motions is decided in *the affirmative*, the business must proceed accordingly, unless the plan is subsequently changed by the body. (7) *If decided negatively*, the business progresses as if the motion had not been made. (8) Motions of this kind may be *renewed* after business has intervened which makes them in effect new propositions. (9) All these motions relating to Method of consideration are of *equal grade* with each other. They are *superior* to any motion to which they can be offered incidentally. They are naturally *inferior* to all the privileged motions, and to all the other incidental questions, and to the question of consideration and to a motion to lay upon the table, *except* when the motion to lay upon the table springs out of them. (10) Any one of them is *in order* and *applicable* whenever one wishes to have the body make some special provision for the consideration of a pending question, provided no motion of superior grade is in the way.

## CHAPTER X.

## CONDUCT OF BUSINESS CONTINUED—INTERVENTION OF PRIVILEGED MOTIONS.

158. **The General Character of These Motions.**—Only one of these motions, that for the orders of the day, has anything to do directly with the business for which the body has convened. They have to do rather with the existence and welfare of the body itself. Of course, indirectly, they play a very important part in the transaction of business. They are called privileged motions because they are possessed of such high privilege in the matter of being entertained. They are the highest grade of motions known in parliamentary law. The following is the list according to their order of precedence:

Motions for Adjournment.	{	To Fix a Time to Which to Adjourn.
		To Adjourn.
		To Take a Recess.

Questions of Privilege.

Orders of the Day.

SECTION I.—Motions for Adjournment	{	To Fix a Time to Which to Adjourn.
		To Adjourn.
		To Take a Recess.

159. **Need for Various Motions to Adjourn.**—If an assembly expects to have more than one session, it is very important that it should make proper arrangement as to its times for adjournment, and also as to times for reconvening after temporary adjournments. Otherwise, if a motion be carried to adjourn, the body might find itself prematurely dissolved. There come also times during the deliberations of a body when it

may be very important to arrange specially for the reconvening of the body in case a motion to adjourn should be carried. To meet these, and other necessities, the various forms of motions concerning adjournment have grown up.

[160. **Regular Adjournment, and Reassembling.**—There is one form of motion for adjournment which does not belong to the class of privileged motions; that is the motion to fix a regular time of adjournment and reassembling. This motion is mentioned here, parenthetically, for the sake of convenience to those who use the book. This matter of regular adjournment and reassembling should be settled by the body as soon as convenient after its organization. It is usually done by appointing a committee to report on hours of adjournment and assembling. Or any member, when he can secure the floor for the purpose, may offer a motion designating the hours which he thinks are most suitable, and the body may vote upon the motion without appointing any committee. The proposition to fix, in either of the ways just referred to, the times for adjournment and reassembling would come up as a *main* question, and would be subject to all the rules to which any other main question would be subjected. It could be amended, and debated, so far as the questions which it involves are concerned. *If such action is taken*, then the body will adjourn and reconvene at the hours designated, and no formal motion for the purpose will be necessary.\* *If no such action has been taken*, then it will be necessary for the body to fix by special vote the time for reassembling, and also to vote specially upon each adjournment. But even if provision has been made for regular adjournment and reassembling, still the body may wish to adjourn at times not specified in

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\*It is better, however, to have a special vote for each adjournment.

the general provision. For example, the business may be finished before the regular hour of adjournment, or the body may wish to take a special recess. For each of these purposes there is a form of motion, and all of these motions are highly privileged.]

# I. TO FIX THE TIME TO WHICH TO ADJOURN.

161. **The Nature of this Motion.**—If no time has been fixed upon as the regular time for meeting after adjournment, or if, for any reason it is feared that the body may possibly adjourn without any arrangement for reassembling at the proper time, this can be arranged for by a motion to *fix the time to which to adjourn*.

162. **Ten Points.**—(1) *To make this motion* one will secure the floor and say: "I move that when the body adjourns, it adjourn to meet at such or such a time"—naming the time. (2) This motion *requires a second*. (3) *The chair* will then state the motion as made, and the question. (4) It *can be amended* as to the time for reassembling. (5) It *cannot be debated* when any other question has been for the time displaced by it. If made when no other question is pending, it is a main question and admits of debate. (6) *If decided affirmatively*, then, no matter when the body adjourns, it adjourns to meet at the time fixed upon. (7) *If decided negatively*, business proceeds as if it had not been made. (8) It *can be renewed*, if business has intervened sufficient to make it in effect a new proposition. (9) This is the *highest grade* of all the motions. Nothing can displace it. It can displace any other motion whatever. (10) It is *in order* at any time, when one can secure the floor to make it. "*It can be made even when the assembly is voting on a motion to adjourn, but not when another member has the floor.*"\*

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\*Robert, p. 169.



## II. THE MOTION TO ADJOURN.

163. *Its Nature.*—This motion is designed to enable an assembly to adjourn whenever it may desire to do so. The necessity for such a form of motion is evident.

164. *Ten Points.*—(1) *To make this motion* one will secure the floor and say: "I move that we adjourn," (or "I move that the body do now adjourn.") This motion must be simply *a motion to adjourn*. If anything else is included except the simple proposition *to adjourn*, the question loses its privileged character, and becomes a main question, and subject to the rules governing a main question. (2) This motion *requires a second*. (3) *The chair will say*: "It is moved to adjourn," (or that "we now adjourn.") (4) *It cannot be amended*. (5) *It is not debatable*, for it is summary action that is intended by the motion. (6) *If decided affirmatively*, the body must be declared adjourned by the chair. (It is common, however, before doing this, to allow announcements to be made, and in religious bodies a closing prayer or benediction.) If there has been provision made for re-assembling, the body stands adjourned until the time so fixed. And when the body reconvenes, the business that was pending at the time of adjournment will be first in order after the reading of the minutes. It will be taken up exactly as it stood at the time of adjournment. For example, if one yields the floor in order that a motion to adjourn may be made, or is taken from the floor because the hour of adjournment has arrived, he has a right to the floor as soon as the body reconvenes for business. (7) *If decided negatively*, the business proceeds as if the vote had not been taken. (8) *It can be renewed* after any business, or debate, has intervened. For this reason a negative vote to adjourn cannot be reconsidered. It would be easier just to renew the motion. (9) *In grade* this motion is *inferior* to the motion to fix

a time to which to adjourn, and may be sidetracked by that motion. But it is *superior* to all other motions. (10) It is *not in order* when the motion to *fix a time to which to adjourn* is pending; nor when a member has the floor; nor after a vote on a *previous motion simply to adjourn*, unless business of some sort has intervened; nor when a vote is being verified: nor while an assembly is dividing.\* It is in order at all other times, and can displace temporarily any other motion except the one to *fix a time to which to adjourn*.

165. **Effect of Adjournment Without a Time for Reassembling.**—If previously to a motion to adjourn no time has been fixed for reassembling, the body stands adjourned *sine die*, *i. e.*, without any time for reassembling. And this amounts practically to a dissolution of the body. Hence, if a motion to adjourn is pending when no time has been fixed for reassembling, some one should offer a motion that when the body adjourn it adjourn to meet at some specified time. This will take precedence of the motion to adjourn. If no one offers this motion, the chair may call attention to the fact that no provision has been made for reassembling.

### III. MOTION FOR A RECESS.

166. **Its Nature.**—During some sessions of the body there may arise a desire for an intermission which will be in the nature of a recess, and not a regular adjournment. For this purpose we have the motion for a recess. Such a motion is really a motion to adjourn to a definite time. And under the rule, that "Any addition to the simple motion to adjourn would cause it to lose its privileged character," the motion for a recess would naturally not be a privileged question. At the same time, if

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\*Reed, p. 125.

a body desires to take a short recess, rather than continue to the appointed time of adjournment, it ought to be able to do so as speedily as possible. Hence, the motion for a recess has come to be one of the highly privileged motions.

167. **Ten Points.**—(1) *To make this motion* one will secure the floor and say: "I move that the body take a recess." He should specify the time. (2) *A second is required.* (3) The chair will then state the motion and the question. (4) *It can be amended* as to time. (5) *It is not debatable.* (6) *If decided affirmatively,* the chair will declare the body adjourned for the recess. After the recess, the business will come up just as it stood when the recess was ordered. (7) *If decided negatively,* the business proceeds as if the motion had not been made. (8) It can be *renewed* after any business has intervened. (9) *In grade,* this motion is *inferior* to the motion to fix the time to which to adjourn, and the motion to adjourn. It is *superior* to all the other motions. (10) It is *in order* and *applicable* at any time except when either of the two superior motions is pending, or when another member has the floor, or when a vote is being verified, or when the assembly is dividing, provided one can get the floor to offer it.

#### SECTION II.—QUESTIONS OF PRIVILEGE.

168. **Their Nature.**—Questions of privilege are another kind of highly privileged questions. They relate either to the rights of *the assembly as such*, or to the rights of *individual members*. It frequently happens that in one way or another the rights of the assembly, or of some member of the assembly, are being encroached upon, or it may be that something occurs to the discomfort of one or more members. Or perhaps a member wishes information upon some point, or desires something that he thinks he has a right to demand. In any

such case the member may endeavor to secure his rights by means of a question of privilege.

169. **Ten Points.**—(1) *To raise a question of privilege* one has only to rise and call out: "Mr. President, I rise to a question of privilege." He does not have to wait to secure the floor. He may do this even when another has the floor, and without waiting for recognition by the chair. (2) *No second* is required. This is in the nature of a claim rather than of a motion. (3) *The chair will say*: "Please state the question." The member will then state what the question is which he wishes to raise. (4) *This cannot be amended.* (5) *It cannot be debated.* (6) If the chair *decides affirmatively*, that is, that the claim of privilege is correct, then, if within the power of the chair, he will see that the claim is properly attended to. If, *after* the chair has decided that the claim is correct, action upon it be required by the body, then the body will act upon it just as upon any other main question. The effect of its being decided affirmatively is only to give it the right of way for immediate attention. Any one *may appeal* from this decision of the chair. (7) If the chair *decides negatively*, that is, that the claim of privilege is not sustained, then the member raising the question may either submit to the ruling of the chair, or he may appeal just as in a point of order. Such an appeal from the decision of the chair on a question of privilege is subject to the same rules that apply to appeals under points of order. (8) After a question of privilege has been decided by the chair, and other business has intervened, without any appeal, the question *cannot be renewed.* (9) *In grade*, questions of privilege are *inferior* only to the various motions to adjourn. They are *superior* to all other motions. A question of privilege as to the *rights of the assembly* is of superior grade to such a question as to the rights of any

one or more of the members. (10) A question of privilege is *in order* and applicable at any time except when a superior motion is pending. It is in order, as we have seen, even while another has the floor.

### SECTION III. SPECIAL ORDERS, AND ORDERS OF THE DAY.

170. **Their General Character.**—It is common for deliberative assemblies to fix beforehand the hours for considering special topics. This may be done either by a main, or an incidental motion: When one particular thing is set to come up at a special hour, that thing is called a *special order*. When several things are arranged into a sort of a program, to be taken up at a special time, one after another, or to have a certain place in the daily business of the body, the things so arranged are called the *orders of the day*.

#### I. SPECIAL ORDERS.

171. **Ten Points.**—(1) The call for a special order *may be made* either by the chair, or by any member. When the hour arrives, it is the duty of the chair to announce that fact, and to call for the special order. If he fails to do this, however, any member may rise and say: "Mr. President, I call for the special order." This may be done even when another has the floor, and without waiting for recognition by the chair. (2) The call for the special order *does not require a second*. It is really more in the nature of a claim than of a motion. (3) As soon as the call is made *the chair must say*: "The special order is called for," and state what it is, or have it properly stated to the house by the secretary. If no motion is made to the contrary, the special order is then taken up, and the matter that was before the house is postponed until the special order is disposed of, or the

time allotted to it has expired. (4) The call for the special order *cannot be amended*. It is a peremptory call and must be answered without delay. (5) It *cannot be debated*. (6) There is no need for an *affirmative vote* on the call, the body having already voted to consider it at that hour. (7) The body *may*, however, *vote in the negative*, that is, may *decline to take up* the special order.\* To secure this, one will move "to discharge the special order," or to postpone it to some other definite time. If either of these *motions* is agreed to, the special order is discharged, for the present at least, and the assembly will proceed with the business that was pending when the special order was called for. If the motion to *discharge*, or *postpone* the special order is lost, the body will proceed to consider the special order. (8) If the special order is postponed, the call for it *cannot be renewed until the time appointed* for again taking it up, except by unanimous consent, or by reconsideration of the vote which postponed it to another special hour. (9) *In grade* a call for a special order is *inferior* to any of the motions for adjournment. It is *inferior* also to questions of privilege. It is *superior* to all other motions. (10) It is *in order* whenever the time set for a special order has arrived, provided no superior motion is in the way. It is, as we have seen, *in order* to make this call even when another has the floor.

**172. If Not Called For.**—If neither the chair nor any member calls for the special order at the proper time, it loses its privilege, and must take its chances for getting before the body. If, however, a special period of time,

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\*The reason that an assembly may vote to discharge or pass by a special order, *without reconsidering* the vote which made it a special order, is probably found in the fact that originally the vote to make a matter a special order, only made that matter a *privileged question* for that time, and did not involve an actual decision by the house to take it up at that special time. It used to require a special vote to take it up when the time for the special order arrived, otherwise it was passed over. Now it **requires a vote to pass it over.**

say from 10 to 11 o'clock, was assigned for it, and this has been simply encroached upon by other business, it can still claim so much of the time that was allotted to it as may be left when attention is called to the oversight.

173. **The Business Displaced by a Special Order.** If any business has been displaced by the special order, that business will come up again as soon as the special order is completed, or passed. And it will return in precisely the shape in which it stood when displaced.

## II. ORDERS OF THE DAY.

174. **Their Nature.**—As we saw, in paragraph 170, several special orders set to follow each other on some particular day, would constitute what is called *orders of the day*. In this case, however, each item would still be really a special order, and would be so treated. The more usual "orders of the day" are a certain program of business, or order of subjects, which have a certain right of way at regular times, or a particular privilege of being called up at certain specified times. For example, an assembly might vote that a half dozen, or more, or less, main questions should constitute the orders of the day, and it might prescribe also the order in which these questions should follow one another. It might also from time to time add other questions to the orders of the day.

175. **Call for the Orders of the Day.**—A call for the orders of the day is similar to a call for a special order, and is subject practically to the same rules. (See ten points in paragraph 168.) It will bring the various questions up in the order of priority which they hold in the list, or program. If one of these has been previously under consideration, and was not finished, it will be taken up just where it was left off. If in the considera-

tion of the orders of the day, however, any question is passed, and one lower down in the list is taken up, then the question thus passed over will go to the bottom of the orders of the day. And, unless taken up by special vote, such question, or questions, cannot be gotten before the body again until after all the other questions in the orders of the day shall have had their turn.

**176. Regular Hours for Orders of the Day.**—It is frequently the case that an assembly so arranges its order of business that a time is set for each day of the session when the orders of the day shall be taken up. When that time arrives, each day, the chair will announce that the time has come for the “orders of the day,” or, if the chair fails to announce this, then any member may call for “the orders of the day.” Any one may, however, secure the floor and move, just as under a call for a special order, that the regular order be discharged, or that the orders of the day be postponed. If no one does this, or if the body by vote refuses to postpone, then the matter that was before it must give way, and the orders of the day will be entered upon, and whatever question may happen, at that time, to stand at the head of the list will be taken up first.

**177. Matters Displaced Come Back in the Same Form.**—If any matter has been displaced by a call for the orders of the day, it will come up again in the same form as soon as the orders of the day are disposed of, or the time allotted to them expires.



## CHAPTER XI.

CONDUCT OF BUSINESS CONTINUED—MOTIONS  
TO RECONSIDER, AND TO RESCIND.  
OR REPEAL.

## SECTION I. MOTION TO RECONSIDER.

178. **Its Nature.**—A measure has not always reached its ultimate goal even when it has successfully run the gauntlet of all the subsidiary and incidental and privileged motions, and has been adopted by the body. For it may be that, after the adoption, there is a feeling with some of the members, and, perhaps, with a majority of them, that the action adopting it ought somehow to be recalled. In England, after a measure has been adopted, it is too late to recall that action. There it is held that the body must abide by its action. The best that is allowed is the passage of some supplemental measure which in some way will interpret, and explain, or avoid, the inconvenience of ill-advised action. In our country, however, an assembly will not allow itself to be thus bound by even its own action. Hence, there has arisen the motion for Reconsideration.

179. **Ten Points.**—(1) *To make this motion* one must have voted with the side that prevailed. This does not always mean with the majority, as it is sometimes the minority which prevails; for example, where a two-third vote is required, and cannot be secured. The one who offers this motion will secure the floor and say: "I desire to move a reconsideration of the vote," etc., or, "I move that the vote, etc., etc., be reconsidered." He will, of course, specify the vote to which he refers. (2) This motion *requires a second*. (3) *The chair* will then say: "It is moved to reconsider," etc. "The question is upon

the motion to reconsider." (4) This motion *cannot be amended*. It is simply a question upon recalling what has been agreed to. (5) *If the original motion to adopt was debatable*, then the motion to reconsider is *also debatable*. And not only so, but all the merits of the question will be open for debate. For often the question of reconsideration could not be properly considered except in connection with the merits of the whole question. (6) If *decided affirmatively*, the effect is to bring the matter back before the body just as it stood immediately before the vote was taken which adopted it. It comes back exactly as it stood then, subject to precisely the same rules as then, and the question will now be upon its readoption. As soon as reconsidered, the chair will say: "The question is now upon the adoption of the measure as recalled," or "reconsidered." (7) If *decided negatively*, this clinches the matter, and the previous action of the body stands. (8) The motion to reconsider *cannot be renewed*. Hence, it has become a favorite species of tactics with parliamentarians when a measure has passed, to move immediately its reconsideration, and, while the same majority is present, to vote this down, or, in some bodies, what is the same thing, lay it on the table, and thus prevent all further effort to reconsider. If, however, after a measure has been brought back by reconsideration, it is materially changed, and then passed, this last action may be reconsidered, because it is different from that which was previously reconsidered. (9) *In grade*, the motion to reconsider is inferior to all the subsidiary, and incidental, and privileged motions. It is really more in the nature of a main motion. If, however, the motion is to reconsider some vote on a subsidiary, or incidental, or privileged question, then the motion to reconsider would become really a subsidiary or incidental motion, and as such would

take precedence of a motion to amend. The reason for this is plain. It clearly would not be right to try to amend a measure while a motion is pending to reconsider some former vote on that measure. (10) The motion to reconsider is *in order* whenever it may be needed to recall or avoid any previous vote of the body, provided the matter has not passed beyond the control of the assembly, and provided further that no motion of superior grade, and no limitation as to time stands in the way. It is not needed, and so is not in order as applicable to a vote on adjournment, or suspension of the rules, nor to a vote to lay on the table, or to take from the table. Any mistake in either of these directions can be far more easily remedied than by a vote to reconsider.\* It is also not in order to move to reconsider a vote sustaining a call for the previous question if voting on the main question has begun under this call for the previous question.\*\* It is also not in order to move to reconsider a vote on a motion to reconsider. For a limit to reconsideration must be fixed somewhere.

180. **One Special Privilege.**—The motion to reconsider has one special privilege which hardly seems in keeping with its grade among the motions; a member may rise to offer this motion, and “may move to have it entered on the journal, even while another has the floor, or while the body is voting on the motion to adjourn.”\*\*\*

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\*For example, if the body has refused to adjourn, the motion to adjourn can be very soon renewed. So, if a matter be laid on the table, it can be taken up at any time. If the body has decided to take a matter from the table, it can table it again at any time.

It is not applicable to an affirmative vote on adjournment, because, after such a vote, the body is not in session for business, and therefore cannot vote to reconsider.

Some authorities hold that a negative vote to lay upon the table may be reconsidered, provided no other business has been entered upon. (See Reed, p. 149.) There does not, however, seem any more occasion or principle for allowing reconsideration here than in the case of an affirmative vote as to laying upon the table, or taking from the table. Mistaken action can be remedied in the one case as easily as in the other.

\*\*Robert, p. 64, and Reed, p. 149.

\*\*\*Robert, p. 62.

This is allowed in order that one may thus be able to guard against the loss of his opportunity to move a reconsideration, in case there is a rule fixing the limit of time within which the motion to reconsider may be offered.

**181. Cannot Jump Another Vote.**—A motion to reconsider cannot jump over some intervening vote of the body which bears in any way upon the same subject. The reconsideration of motions must go back in reverse order to that by which the body advanced, so that each thing can come back before the body in just the same relations that it held when it was previously voted upon. For example, suppose a body has adopted an amendment, and then afterwards adopted the proposition as thus amended. It cannot reconsider the vote that adopted the amendment without first having reconsidered the vote which adopted the amended proposition, for the amendment has now become incorporated into this main proposition. Or, again, suppose, after an amendment has passed, still another has been passed which depends upon the first one. Now, if the vote adopting the first one could be reconsidered, and defeated, without reconsidering this last one, then this last would be left standing without the one on which it depended. Hence, the only way is to go back regularly, in reverse order, and retrace each step as previously gone over, until the desired point is reached, and then start from that afresh.

**182. Limit of Time.**—It is quite common for an assembly to pass some rule specifying the time within which a motion to reconsider may be made. In some assemblies the motion to reconsider, if made at all, must be made on the same day, or, at farthest, upon the day following that upon which the vote was taken which it is sought to reconsider. If no such rule exists, a motion

to reconsider may be made at any time during the term session of the body. If much time has elapsed, however, the easiest way to reach the case will usually be by a motion to rescind, or repeal, the former action.

## SECTION II. MOTION TO RESCIND, OR REPEAL.

**183. May Rescind, or Repeal, if Too Late to Reconsider.**—When it has become too late, or for any reason impossible, to reconsider a vote, and thus to do away with some former action of the assembly, even then there is a way by which that former action may be revoked if the body so desires. There is still left the motion to rescind, or repeal, the action that has proved objectionable. The assembly that passes a measure has certainly the right to repeal that measure. The motion to rescind, or repeal, when introduced, will come in as a main motion, and will be subject to the same rules that apply to any other main motion. It is specially mentioned here only to complete the account of all that may happen to a measure between the time of its introduction, and that of the final disposition of it by a deliberative assembly.

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## CHAPTER XII.

### PRECEDENCE OF MOTIONS, OR QUESTIONS.

**184. Important and Difficult Problem.**—One of the most important problems in the mastery of parliamentary law is that of the proper precedence to be allowed to the different motions or questions as they arise. A presiding officer who hesitates a moment in the enforcement of the rules here will soon find himself and the assembly greatly embarrassed. This is also one of the

most difficult of all the problems that confront a parliamentarian. To one who does not understand thoroughly the underlying principles as to order of precedence, the whole matter seems to be in confusion. If there are rules, there appear to be so many exceptions that it seems of little avail to know the rules.

**185. Principles Must be Mastered.**—Various devices have been resorted to for the purpose of helping parliamentarians amid the ever-recurring difficulties of question of precedence. Most books give lists showing the natural order. Some give charts with curved lines and arrows reminding one of certain storm charts, and fully as bewildering as the storms which they suggest. All these devices may be more or less helpful to the memory. But the only true way for a parliamentarian to become master of the situation is that of mastering thoroughly the *principles* involved. When this mastery is gained the very exceptions will all appear as conformity to law. And each question, as soon as it arises, will fall into its natural order. The effort will be made in this chapter to bring out the principles of priority or precedence of questions in such a way as to *lessen greatly*, if not to do away with, the difficulties of this problem.

## SECTION I. THE MAIN MOTION, OR QUESTION.

**186. The Place of the Main Question.**—The main motion or question, is the lowest in rank of all the questions. As we have seen, the main motion is the original proposition upon which the action of the assembly is desired. When this is properly before the house, the question is, What is the pleasure of the house concerning it? Will it adopt it? or reject it? This question is called the main question. In connection with the consideration of this question the subsidiary and incidental and

privileged questions spring up. Now the principle is clear that, when a subsidiary or incidental or privileged question springs up in connection with a main question, and bears in any way upon the final settlement of that main question, such subsidiary, incidental, or privileged question ought to take precedence over such main question.

## SECTION II. SUBSIDIARY AND PRIVILEGED MOTIONS OR QUESTIONS.

**187. Principles of Precedence in Subsidiary and Privileged Motions.**—The special trouble is with subsidiary and incidental and privileged questions. The principles as to these can be more easily mastered, if, for the time being, we omit all reference to the incidental questions and attend first to the relations of the subsidiary and privileged questions, one with another.

(1) *Privileged Motions or Questions.*—The very designation "*privileged questions*" would indicate that these naturally are of the highest order. And we find this to be the fact. Furthermore, these have also a rank among themselves. The great inconvenience that might sometimes occur from adjourning without having fixed upon any time for reassembling, has given to the motion "to fix a time to which to adjourn" the very highest rank. This motion can take precedence of any other motion that may be pending. Next to this in importance is the motion to adjourn. Next to this the motion to take a recess. Next to this, questions of privilege. Next to these, orders of the day. Any one who will think upon these motions can easily find reasons why they should all have become privileged motions, or questions, and why they have found the order of precedence among themselves as just indicated. Hence, we find highest in

rank the privileged motions or questions, and these in the following order with reference to each other.

- |   |   |   |
|---|---|---|
| 1. Motions for Adjournment              | { | (1). To Fix Time to Which to Adjourn.<br>(Cf. p. 91).<br>(2). To Adjourn. (Cf. p. 92).<br>(3). To Take a Recess. (Cf. p. 93). |
| 2. Questions of Privilege. (Cf. p. 94). |   |   |
| 3. Orders of the Day. (Cf. p. 98).      |   |   |

(2) *Subsidiary Motions or Questions*.—We will now take account of the subsidiary motions or questions. These, as we have seen, must be inferior in rank to the privileged questions. They also have a rank, or order of precedence, among themselves. In some cases it is easy to see how this order has come into being. In others it is not so clear. That this order was evolved partly as a matter of mere convenience, or preference, is seen in the fact that it is not a rigid and inflexible order. For the custom varies to a considerable extent in different assemblies. Still, *in the main*, we can trace even here the underlying principles:

a. *The Question of Consideration*.—It is easy to see why this question, if it is to have any place at all among subsidiary questions, should stand at the top. In the nature of the case its decision will settle the question as to the need or the opportunity for any of the others.

b. *The Motion to Lay Upon the Table*.—It is quite easy to see also why this motion should have right of way among subsidiary motions next to the question of consideration. When properly used, it contemplates taking the matter up again, and, not allowing any debate, it gives the speediest and least troublesome means of temporary delay. It richly deserves its high place in the list, because of its great convenience to an assembly.

c. *Postpone to a Time Definite, Previous Question, Indefinite Postponement, and Commit, or Refer*.—These four mo-



tions or questions are of equal grade one with another, and so one of them cannot displace either of the others. They are all of inferior grade to the question of consideration, when this is in order, and to the motion to lay upon the table. It is easy to see why they should all be inferior to these two motions. (Compare what has been said on page 107, concerning the question of consideration and the motion to lay upon the table.) It is not so easy, however, to see why the two motions for postponement and the previous question and the motion to commit or refer should all be of the same grade one with another. Arguments could be easily offered for the superiority or inferiority of one or another of them to the others. And different assemblies have been moved differently by these arguments. It is quite common, for example, to find assemblies which have, by special rule, exalted the previous question to superiority over the other three. It is still, however, *general parliamentary law* that the four are of *equal grade*. And if an assembly has not made any special rule of its own, fixing an order of priority for these motions, no one of the four can be displaced by either of the others. It is possible that the principle of this general parliamentary law as to the equality of these four motions might be found in a careful and exhaustive investigation of their evolution into their present use. So far, however, it has eluded our search. And we are compelled, in this case at least, to content ourselves with learning the fact, and practicing accordingly. Meantime, the present practice avoids, no doubt, many a parliamentary tangle and wrangle, and this is some compensation even for a rule which seems more or less arbitrary.

d. *To Amend*.—The motion to amend in open assembly is lowest in rank of all the subsidiary questions. It is the last resort for settling the matter. It is meet that it should come when all other means of dealing with the main question are considered inexpedient or unsatisfactory. It is only one step from final action on the main question, and so should rank lowest next to the

main question. Thus *in the order of precedence* one with another the *subsidiary questions* stand as follows:

For Total Suppression.....	1. Question of Consideration.
For Delay .....	{ 2. To Lay Upon the Table.
	{ 3. To Postpone to a Time Definite. }
For Partial Suppression.....	{ 4. Previous Question.
	{ 5. To Postpone Indefinitely. }
For Perfecting .....	{ 6. To Commit, or Refer.
	{ 7. To Amend. }

188. **Combined List of Subsidiary and Privileged Motions.**—As the result of what we have seen above, we are now prepared to combine the privileged and the subsidiary motions in the following table, or list, according to their

## ORDER OF PRECEDENCE.

- |   |                                    |
|---|------------------------------------|
| 1. Motions for Adjournment....            | { (1). To Fix Time to Which to     |
|   | { (2). To Adjourn. [Adjourn.       |
|   | { (3). To Take a Recess.           |
| 2. Questions of Privilege .....           | { (1). Pertaining to the Assembly. |
|   | { (2). Pertaining to Individuals.  |
| 3. Orders of the Day.                     |                                    |
| 4. Question of Consideration.*            |                                    |
| 5. Motion to Lay Upon the Table.          |                                    |
| 6. Motion to Postpone to a Time Definite. |                                    |
| 7. Call for the Previous Question.        |                                    |
| 8. Motion to Postpone Indefinitely.       |                                    |
| 9. Motion to Commit, or Refer.            |                                    |
| 10. Motion to Amend.                      |                                    |

If one will learn thoroughly the principles of precedence, as far as these commend themselves to his judg-

\*Mr. Reed says the question of consideration may be raised against certain special orders or orders of the day (pp. 80, 81). This should not be. The proper way to avoid such consideration would be to move to discharge the special order, or that the orders of the day be passed, or postponed.

ment, and then fix the list of privileged motions firmly in mind, and then the list of subsidiary motions, he ought to have no trouble in deciding instantly any question of precedence between motions mentioned in the above list. Any motion in the list takes precedence of any and every motion that comes below it, except where several occur in brace. These are equal, and one of them cannot displace another. For example, suppose a motion to amend were pending. If one should move to refer the amendment to a committee, the motion to refer would take precedence. Then, while this was pending, one could move to lay upon the table, and (if not too late by reason of delay), the question of consideration might be raised, and while this was pending, the orders of the day might be called for, and while this was pending, one might rise to a question of privilege, and while this was pending, a motion might come in for a recess, and while this was pending, a motion to adjourn, and while this was pending, one might move that when the house adjourn, it adjourn to meet at such or such a time. Thus the motion of higher grade can displace for the time being the motion of lower grade all the way up the line. As soon as the motion of higher grade is settled the question recurs on the motion pending next below, unless this has been in some way settled by the action taken on the superior motion.

### SECTION III. INCIDENTAL MOTIONS OR QUESTIONS.

189. **The Incidental Motions or Questions.**—The incidental motions are the motions that give rise to so many apparent exceptions, and thus minister greatly to confusion and bewilderment in the matter of proper precedence. They are the following:

- |                       |                             |
|-----------------------|-----------------------------|
| 1. Point of Order.    | 4. Suspension of Rules.     |
| 2. Reading of Papers. | 5. Division of Question.    |
| 3. Leave to Withdraw. | 6. Method of Consideration. |

These motions are usually regarded as coming between the privileged and the subsidiary questions. In a certain sense this is true. For, *as a rule*, any incidental question is *inferior* to any one of the privileged motions, and any one of them, *as a rule*, is *superior* to any one of the subsidiary motions. That is to say, if, while one of the incidental motions were pending, any one of the privileged motions should be offered, the incidental motion would usually be sidetracked for the time by the privileged motion. So also if, while any one of the subsidiary motions were pending, any one of the incidental motions should be offered, the pending subsidiary motion would be sidetracked by the incidental motion. It is no doubt for this reason that writers on parliamentary law have put the incidental motions, in respect to grade, between the privileged motions and the subsidiary motions. But this classification is wrong, because it has more regard for accident than for principle. And it ministers to confusion rather than to clearness. For example, the incidental motions or questions, as we have seen, are regarded as superior to the subsidiary questions or motions; yet an incidental motion might be pending, and the subsidiary motion to lay that incidental motion on the table might be offered, and the motion to table would sidetrack the pending incidental motion, and might sweep it and the main question with it from before the house. The same might be true if one would raise, at certain stages, the question of consideration when some incidental question was pending. How then can it be said that "the incidental motions are superior to the subsidiary motions?" So also, as a rule, it is true that *privileged* motions are superior to *incidental* motions. Yet there are some privileged motions that can be sidetracked for the time being by certain incidental motions. For example, suppose a

motion to adjourn were pending, and suppose that, before the motion to adjourn was decided, the chair should entertain a question of privilege, any one might rise to a point of order, and insist that the chair should put the question on the motion to adjourn. Thus the point of order, which is an incidental question, would take precedence of the pending privileged question. And yet it is usually said that questions of privilege are superior to incidental questions. It is no wonder, under such a statement of the rules, in the face of so many apparently glaring exceptions, that many persons find it impossible to decide concerning the precedence of motions.

190. **The True Principle, or Rule, as to Incidental Questions.**—The true principle, or rule, as to incidental questions, is this: *Any question that springs up incidentally to another question, takes precedence of the question out of which it springs.* This must be true in the nature of the case. The incidental question springs up only as bearing upon the proper settlement of some pending question. Hence, in order to settle the pending question aright, the incidental question *must be settled first*. For example, suppose some one has risen to a question of privilege. This is a privileged question. But suppose some one rises to a point of order bearing on that question of privilege. Then the point of order springs out of the question of privilege, and it is incidental to it. If the point of order is decided in one way, it may overrule the question of privilege. It is perfectly evident then that the point of order should be decided before the question of privilege. But now let us go a step farther. Suppose one had risen to a question of privilege, and then a point of order has been raised, in reference to this question of privilege. And suppose then that, while these are pending, some one gets the

floor and moves to adjourn. Which motion then takes precedence? Clearly the *motion to adjourn*. Why so? Because the motion to adjourn is *superior* to the question of privilege, and would naturally take precedence of it. It must, therefore, also take precedence of the pending point of order, which is only a point that has grown out of the *question of privilege*, and so is merely something that is incidental to it. Under the conditions supposed, therefore, the chair would put the question *first* on the motion to adjourn. If that carried, the house would adjourn. And *then*, when it assembles again, the first thing in order would be the decision of the pending point of order. And *after that*, if not ruled out by the point of order, the question of privilege would be decided. If the house decided *against* adjournment, then *the next question* would be upon the point of order, and *after that*, if not ruled out by the point of order, the question of privilege. So in all cases where an incidental question properly arises. *The incidental question always takes precedence of the particular question out of which it springs*. And it clings to that question until decided. Any question that can sidetrack the question out of which it has sprung can sidetrack *it*. And *it* (that is the incidental question), cannot be sidetracked by any question that cannot sidetrack the question out of which it sprung. If this rule is firmly grasped, and illustrated by examples until fully understood, there will never be any trouble as to the proper precedence of incidental motions or questions.

**191. Precedence of Incidental Questions Among Themselves.**—It remains only to notice the order of priority of incidental questions among themselves. The following table shows what is commonly regarded as the proper order:

Point of Order.

Reading of Papers.

Leave to Withdraw.

Suspension of Rules.

Division of Question.

Method of Consideration..

Limiting Speeches,

Closing Debate,

Manner of Voting, etc.

The point of order is regarded as the highest; those within the brace next to it as next to the point of order, and as equal among themselves; and those within the next brace as being equal among themselves, and lower than those above. The rule given in the preceding paragraph is, however, just as applicable here. If any one of these incidental questions can spring out of any other one of the list, then the one so springing up would take precedence of the one out of which it springs. Suppose, for example, that a point of order is pending, and suppose one sees that the point must be decided in a certain way under the rules, and he desires to avoid that decision; he might move a suspension of the rules in order to avoid that decision; and the motion to suspend the rules would take precedence of the pending point of order. Hence, the one thing to remember as to the precedence of incidental motions or questions is the principle laid down—*an incidental question always takes precedence of the question out of which it arises, and can only be sidetracked by such questions as can sidetrack the question out of which the incidental question has arisen.* Only adhere to this principle, and all the problems will soon be very simple.

## CHAPTER XIII.

## DEBATE.

**192. Its Purpose.**—One of the main objects of a deliberative assembly is an interchange of views upon the various questions that are to be acted upon by the body. The members need to have all the light possible thrown upon the various questions. Members also often wish to impress their views upon fellow members, and, if possible to lead them to their own way of viewing things. The chief opportunity for accomplishing all this is found in the privilege of debate. And hence, whenever a question which can be debated is before an assembly, it is the privilege of any member to debate, or discuss, such question within the rules which govern debate.

## SECTION I. QUESTIONS DEBATABLE AND NOT DEBATABLE.

- |   |   |   |
|---|---|---|
| I. Allowing Debate on the<br>Merits of the Question...      | { | Main Question.<br>Indefinite Postponement.<br>Amendments.<br>Reconsideration. |
| II. Allowing Only Limited Debate*                           | { | Postponement to Time Definite.<br>Commit (or Refer).<br>Certain Appeals.      |
| III. Allowing No Debate.....All Others Not Mentioned Above. |   |   |

**193. Members Should Know What Questions are Debatable.**—Members of a deliberative assembly ought to have a clear idea as to which questions are debatable and which are not. A list of those which are debatable has been inserted above. It ought to be easy to fix these in mind and to remember that the rest are not debatable. It is far better, however, to fix in mind the principles that determine whether a question is debatable

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\*Slight informal debate is sometimes tolerated on some questions as to method of consideration.



or not, than simply to commit to memory the different lists. Attention will now be called to these principles.

194. **Main Questions.**—It is clear that all main questions should be debatable, for these are propositions which are brought before the body for special consideration, and, if the body is to consider these questions intelligently, and make intelligent disposition of them, the members should be allowed to discuss them.

195. **Subsidiary Questions.**—The subsidiary questions all seek to make some kind of disposition of the main question. Some of them, as we have seen, aim at delay, others at total, or partial, suppression, and still others at amendment. Whether a subsidiary question is debatable or not, and the extent to which debate is allowable upon it, ought to depend, and as a rule does depend, upon the disposition which the subsidiary motion would make of the main question.

(1) *Question of Consideration.*—This is something of an anomaly among parliamentary questions. It aims to make final disposition of a measure, and yet it does not admit of debate. It is not clear that an assembly should allow such a question. It would seem, at any rate, that such power ought not to be given to a *mere majority*. Yet matters do come, at times, before assemblies when it seems clear that the very best thing to do with them is speediest and most peremptory total suppression. Even debate will do harm. This fact, no doubt, has given rise to this form of question, and to the general rule that it *does not admit of debate*.

(2) *Motion to Lay Upon the Table.*—This does not propose to make any final disposition of the measure, but to put it where it can be brought up again in exactly the same shape. When it is called up from the table, if it is a debatable question, it is then open for debate; hence there is certainly no need, under a motion to lay

upon the table, to allow debate upon the question which it is proposed to table. It would also be generally only a waste of time to debate the question as to the propriety of laying a matter upon the table, for the matter may be taken from the table again at any time, without debate, at the pleasure of the body, and so any harm from tabling could be speedily corrected. If the motion to table, however, were a debatable motion, an opportunity would be thereby afforded to parliamentarians for an almost endless obstruction of business.

Where, however, the motion to lay upon the table is used for making final disposition of a measure, there would seem to be as much reason for making it a debatable question as the motion for indefinite postponement. Still there is this difference: The motion to lay on the table does not *profess* to make final disposition of a measure, while the motion for indefinite postponement does profess to aim at this.

(3) *Motion to Postpone to a Time Definite*.—This motion also looks to having the measure brought back before the body; hence there is no need that *the main question* should be debatable under it. The question of postponement, however, and especially the question as to the particular time mentioned, may be very important. And, inasmuch as the matter, if it is thus postponed, cannot be brought up again until the time designated, it is allowable to discuss the *advisability* of postponing, and the *time* to which it is proposed to postpone.

(4) *Call, or Motion, for the Previous Question*.—The very aim of this motion is to cut off debate and secure an immediate vote. Hence it would be folly to allow debate upon it.

(5) *Motion for Indefinite Postponement*.—This motion is only one way for finally disposing of a question. Hence it allows full debate on the merits of the whole question, as well as upon this means proposed for making final disposition of it.

(6) *Motion to Commit*.—This motion looks to bringing the main question back before the body for debate.

Hence it does not allow debate on the main question, especially so, as the discussion before reference might prove altogether useless in view of the recommendation of the committee of reference. The *propriety of referring* it, however, may be an important question, and so may be *the character, or kind, of committee* to which it is referred. Hence, these two points may be debated.

(7) *Motion to Amend*.—This motion proposes a direct modification by the body of the main question. Hence it ought to be, and is, debatable. And, inasmuch as it would be difficult to discuss the merits of a proposed amendment if not allowed to enter into some consideration of the main question which it is proposed to amend, the motion to amend admits of considerable range of debate, even as to the main question. One may go into the main question in so far as this is at all important for a proper appreciation of the proposed amendment, and large allowance should be made for members as to the relevancy of their remarks. At the same time the party discussing the amendment should keep the amendment always in sight.

196. *Incidental Questions*.—The incidental questions are such as arise by the way. It is clear that it would be a great obstacle to progress if debate were allowed upon every sort of incidental question that might spring up. Hence debate upon these is curtailed to the smallest limit. Most of them are not debatable at all. Strictly speaking, no one of these questions is debatable except appeals under points of order, and these only under certain conditions. (See below.)

(1) *Points of Order, or Appeals*.—Besides the general principle that incidental questions ought not to be debatable unless absolutely necessary, there is special reason why many, if not most, points of order should not be debated. The debate of many points of order, or

appeals, would almost certainly involve personalities. Hence the rule is that points of order, and appeals upon them, are *not debatable* if any *personal* question is involved. Points of order, or rather appeals upon points of order, involving some general principle, or policy, need sometimes to be discussed, and this is allowable.

(2) *Reading of Papers*.—If the reading of a paper is called for, it is usually easier and quicker to have the paper read than to discuss the question, and this is generally allowed, except when the request is manifestly improper. In either case there is no need for debate. And hence the rule that a motion for the reading of a paper is not debatable.

(3) *Withdrawal of a Motion or Paper*.—This also is not a debatable question. Nothing could be gained by allowing debate, except unnecessary delay.

(4) *Suspension of the Rules*.—There may be times when discussion upon a motion to suspend rules would do good. But *as a rule* it would be undesirable. Hence debate is not allowed.

(5) *Division of a Question*.—The same is true here that was said as to suspension of the rules.

(6) *Method of Consideration*.—It could not be profitable to allow much debate as to how a measure should be considered. Informal suggestions looking to an agreement may be allowed by the chair at his pleasure, if not objected to. But when one makes a formal motion on the subject, and makes this as an incidental motion, it must be decided without debate, except as the assembly may see fit at the time to tolerate it without formal objection, or to allow it by special vote.

197. **Privileged Questions**.—(1) *In General*.—The very fact that these questions are so highly privileged as to have the right to come before the assembly as they do is a reason why they should, as a rule, be undebatable:

otherwise they could be used to obstruct business to an unbearable degree. No one of them is debatable, except that a question of privilege may give rise to an appeal which may be debatable. (See the next paragraph.)

(2) *Questions of Privilege*.—a. A question of privilege is itself not debatable. It is like a point of order in this respect. The chair decides whether the point or question is well made. An appeal may be taken from his decision, and this appeal would be subject to the same rule as to debate with appeals under points of order. b. When a question of privilege has been decided by the chair, or by the assembly, in favor of the one raising it, then farther questions concerning the rights claimed may be debatable, or not, according to the nature of the questions. This, however, is due to the fact that the effect of an affirmative decision upon the question of privilege has converted the rights claimed into a main question, and given it the immediate right of way before the body. And having now become a main question, it is subject to the same rules of debate that apply to other main questions until settled.

198. **The Motion to Reconsider.**—After a measure has been fully considered and passed by an assembly, it is evident that it should not be brought back for a reconsideration without good reason. But if some members think that good reasons exist for reconsideration, other members may feel as sure that there are no such reasons, and may not wish the matter recalled. It is evident, however, that neither side could properly impress its views upon the house without a considerable latitude of discussion, and, indeed, without entering more or less into the merits of the main question. Hence the motion to reconsider *is debatable*; and it opens up for discussion the merits of the entire question, as well as the simple question of reconsideration.

## SECTION II. SECURING AND HOLDING THE FLOOR FOR DEBATE.

**199. Floor Must be Secured.**—Before one has a right to engage in debate, he must secure the floor by a recognition from the chair. Any one who tries to address the body without doing this is out of order, and should be peremptorily stopped by the chair, and required to proceed in the proper manner, or else to take his seat.

**200. Who Have the Right to Demand the Floor for Debate.**—(1) All members are equal in a deliberative body, and, unless something has occurred which gives to some member a special privilege for the time being, the claim of all the members is equal, and the one who first addresses the chair in the proper manner is entitled to recognition by the chair. (2) It has come to be a custom, however, for the chair to recognize first the one who moves a proposition or offers a report. This, however, as Mr. Reed says, is “not so much as a matter of right, as because it seems most natural that the mover of the question should first explain it.” So just is this principle that when one offers a report, and generally when one offers a motion, other members will rarely ask for the floor until after the one who offers the report or motion has spoken, or declined to do so. With the claim, however, of the mover for the opening speech, all superior claim to the floor ceases. (3) If at any time the chair indicates a desire to speak upon a measure, the members should give way at once, and allow him this privilege. He cannot, however, for this purpose displace a member who already has the floor, and he should also be very careful how he uses his position as chairman for his preferment. Some hold that the one who offers a motion or a report has the right to close the debate. This is a mistake. No such right exists.

**201. How the Floor is Secured for Debate.**—The floor

is secured for debate just as it is for offering a motion. The member desiring to speak will rise and say: "Mr. President," or "Brother Moderator," (or, as may be the custom in the body). If this does not secure the attention of the chair, he may repeat the call to the president in a voice that can be heard. When the chair hears a call of this kind, he will look toward the member, and call him by name, or indicate him by his place in the assembly (e. g., "the gentleman on the left," or, "the gentleman on the right," etc.). When the chair does this, *and not before*, the member has a right to proceed with his remarks. If the chair fails so to recognize the member who first addresses him, and gives the floor to one who rose later, the one first addressing the chair may appeal from the decision of the chair. It is very unwise, however, to do this, unless the action of the chair is beyond endurance. It is far better to submit, and to try again.

**202. Holding the Floor After Securing It.**—(1) After one has properly secured the floor for debating a question, no one can take him from it so long as he keeps within the rules. (2) He may be temporarily interrupted by points of order, or privileged questions, but as soon as the question that caused the interruption is settled he can proceed. (3) If he is speaking when the hour of adjournment arrives, he will be entitled to the floor when the body is again convened and ready for business. (4) If, however, one voluntarily yields the floor, he loses his right to it, and can then only take his chances with others for getting it again. (5) This right of a member, after having secured the floor, to hold it against every one, even the assembly itself, has often afforded occasion for great abuse. It is not an unknown thing for the floor to be held thus for hours and hours, to the manifest dissatisfaction and discomfort of every

one, and yet the body is powerless to help itself. (6) If an assembly does not wish to expose itself to such abuse, it ought to provide among its "*rules*" some special measure of cloture that would be a protection to it in such an emergency. It is too late to try to save itself when the emergency is upon it.

### SECTION III. DECORUM.

#### I. ON THE PART OF THE ONE WHO SPEAKS.

**203. Should Observe Rules and Proprieties.**—It is expected, and should be required, of every one who uses his privilege of debate that he shall observe all the rules and proprieties that pertain to this privilege.

**204. Proper Respect for Officers.**—The officers are the representatives of the assembly. Disrespect to an officer is disrespect to the body. All remarks should be addressed to the president, and not to the assembly nor to the individual members. When an officer is referred to, it should be by his official title. The one who has the floor should be willing to be interrupted at any time by the president in the discharge of his duty as president; he should be willing also to receive proper suggestions from him; and should cheerfully obey all proper demands or orders made by him; if ruled out of order by him, he should cheerfully submit, or respectfully appeal in the manner provided by law. He should never show irritation, nor dogmatism, nor the spirit of resistance toward the president, or any officer.

**205. Proper Respect for the Assembly.**—One who is accorded the privilege of addressing an assembly ought to treat that assembly with the utmost respect and consideration. There may be times, indeed, when he will feel that he may use the rules and privileges that pertain to him as an individual member against the evident



wish of the assembly. The assembly has given to its members the right to use its rules within the prescribed limits—sometimes to its own very great inconvenience. But members should always be considerate and respectful toward the assembly in the use of this right. A member should never unduly tax the patience of the assembly. He should never cast reflections upon the assembly. He may try to show it that it holds a wrong position. And he may use any rule of the assembly to save himself and his measure against what he believes to be a wrong sentiment and a wrong action on the part of the assembly; but he should do this, if at all, in a courteous and respectful way.

206. **Proper Respect for Individual Members.**—Members should be mindful to show all proper courtesy to their fellow-members. There is often, in the heat of debate, strong temptation to reflect upon members as well as upon the measures that they advocate. It should be borne in mind, however, that deliberative bodies are for the discussion of measures, and not for the purpose of discussing the members. Everything that can be construed as a personality should be avoided. Members should not be referred to by name, but by some unobjectionable descriptive designation, for example, "the gentleman on my left," or "the gentleman who last spoke." Motives should not be impugned. Occasions may indeed arise when one would be justified in being severe upon a member. But it is better to waive one's right in this respect, if possible, and treat the offending member courteously. If severe language has to be used, it should be the language of refined severity, and within parliamentary limits, and used only for the purpose of justice to one's self and the pending measure. Under no circumstances should resort be made to coarse or undignified personal abuse. And if a member should so

far forget himself as to do this, the chair should promptly call him to order.

## II. ON THE PART OF OFFICERS.

**207. Should be Courteous to Members.**—It is as much the duty of officers to be courteous to the members as it is of the members to be courteous to the officers. The member who is debating a question has a right to expect from the officers that protection and assistance and respect which they have been elected to give. An officer has no right to show irritation, or impatience, at a member, nor in any way to put a member at a disadvantage before the assembly. Even if the conduct of a member be trying to his patience, he should be a model of self-restraint. There is a better way to govern unruly members than that of impatience and irritation and attempted humiliation. Sometimes the conduct of a member will justify an officer in being arbitrary and very positive toward him.\* But even then he should not give way to temper. One who cannot govern himself will hardly succeed well in governing others.

## III. ON THE PART OF AN ASSEMBLY.

**208. Should Give Respectful Hearing.**—One who has the floor for debate is entitled to be treated with courtesy and respect by the body that has given him the floor. There should be no such moving about, or talking, or whispering, as will cause disturbance, or indicate indifference. Especially is it out of order, and even disgraceful, for an assembly to endeavor to hiss one down, or to try by any such vile noise to prevent a member from speaking, if he has been accorded the floor by the chair, who is the agent of the body. It is very indecorous for the assembly to endeavor thus to deprive him of

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\*Reed, p. 167.

it. If members of the assembly object to anything that is occurring, they should try to reach it in a lawful and orderly way, or else leave the matter to the president. In some assemblies applause is prohibited by rule. If so, members should be decorous enough to refrain from it. If the body, as a body, will not respect its own rules, it can hardly expect individual members to do so. Besides, the right to applaud implies the right to hiss, and one practice will soon lead to the other. And so on general principles also a deliberative body should refrain from applause as indecorous.

#### SECTION IV.—PUNISHMENT OF DISORDER AND INDECORUM.

209. **When the Trouble is Between Members.**—If during debate one uses offensive or disorderly language towards a member, he may be stopped by the chair as out of order, or any member may raise the point of order, and thus call on the chair to stop it. If, however, this is not sufficient for the one who is offended, he may rise, as soon as the offensive language is used, and say: "Mr. President, I object to the language of the gentleman" (or of the speaker). He must do so, if at all, as soon as the words are used, as it will be too late if he allows the speaker to proceed with his remarks. The chair will then ask him to state the language to which he objects. The clerk will be required to take down the language, and it thus becomes a part of the minutes. If the one to whom the language is ascribed denies that he used it, the complaining member may accept the disclaimer; or he may insist that the language was used, and appeal to the house to decide whether or not he is correct. If the house sustains the appeal, the offending member must make such amends as the rules, or the requirements of the case, demand. If no rule on the point exists, the body is competent to decide as to what shall be

required of the offender. If this causes an issue between the member and the assembly, the member should be *allowed* to state his side of the case, and *withdraw*, pending the discussion and decision by the assembly. Or if allowed to remain, he should take no further part in the proceedings. If the case is postponed for regular trial, he should be allowed counsel, if he so desires, and should be allowed to be present.

210. **Where the Trouble is Between a Member and the Chair.**—If an offense against order, or decorum, be committed by a member, whether by one speaking or by any other member, the chair will promptly call the member to order. If the member persists in the disorder, the chair will call the attention of the body to the matter. This is done by what is called “naming” the offender. That is, he will call the name of the offending party and complain before the assembly of his disorder. This is an arraignment of the member. And the assembly must decide whether the party is guilty or not, and, if guilty, upon the punishment to be administered. Before doing so, however, the offending party should be allowed to state his side of the case. The chair will then state the grounds of his complaint, and the body will then act. If the offending party is allowed to remain during the discussion, he should keep silent until the case is decided, except as specially permitted by the body to speak.\*

#### SECTION V.—IRRELEVANCY AND BAD TASTE.

211. **Irrelevancy.**—If what one is saying is altogether and clearly irrelevant to the pending question, it is the duty of the chair to call the speaker to order, and to require him to address himself, in some fashion at least, to the subject. If the chair fails to do this, any member

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\*Mell, p. 67, § 181.

may rise to a point of order and state to the chair as his point that what the member is saying is altogether irrelevant, and therefore out of order. At the same time the ways that different persons have of getting at a subject are so widely different that before one is called to order for irrelevancy it should be very clear that there is no way in which even the one who is speaking can himself bring what he is saying to bear upon the subject before the assembly. If, however, it is clear that there is no relevancy in the remarks, or if a speaker is trying under a false plea of relevancy to make a speech on a subject not before the assembly, or when his speech is not in order, he should be suppressed by the chair, or by a point of order by some member.

212. **Bad Taste.**—Bad taste on the part of a speaker is not a matter for parliamentary law, unless it goes to the point of violating some of the rules of decorum. Then it is no longer a mere question of taste, but an actual violation of law.

#### SECTION VI.—HOW OFTEN ONE MAY SPEAK.

213. **On Debatable Appeals.**—On debatable appeals it is allowable for one to speak only once.

214. **On Other Debatable Questions.**—As to this, writers on parliamentary law are not entirely agreed. Some say a member can speak only “once on the same question at the same stage.”\* This is true in the lower house of Congress, where the large number of members and the tendency to debate seem to render such a rule necessary. But it is not true of deliberative bodies generally.\*\* Ordinarily one is allowed to speak twice on the same question. Indeed the point as to the number of times one has spoken is not often raised, unless a member is clearly encroaching upon the rights of others, or

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\*Reed, p. 159.

\*\*Cf. Robert, p. 83, and Mell, p. 69.

is making himself very tiresome to the assembly. It would be a great hardship for most speakers to have to say in one speech just what they wish to say. Many persons do their best thinking after one effort to express themselves.

**215. The Same Number of Speeches Allowed on Amendments.**—The fact of having spoken more than once upon a main question will not prevent one from speaking on amendments. A member may make as many speeches upon each amendment as upon the main question. For each amendment is really a new question.

**216. So With Modifications of the Question.**—So, also, if a main question has been materially modified by amendments, it would seem that the two speeches on the original main question should not prevent additional speeches on the modified question. For this is now different from the question on which the speeches were made.

**217. One May Still Rise to Explain, or to Ask a Question.**—One who has spoken twice may still rise to an explanation. But the chair should see to it that he confines himself to explanation, and does not, under a plea of explanation, work in a new speech. So, too, he may again rise to ask a question. Asking a question is not regarded as making a speech.

#### SECTION VII.--WHEN DEBATE MUST CEASE.

**218. Upon Taking Negative Vote.**—One may claim the floor for the purpose of debate until the negative vote is heard. That is to say, a member who wishes to debate a question may do it, not only while regular debate is in progress, but may even claim the floor while the vote is being taken, provided he does this before the vote on the negative side is heard. Then it is too late, for this would be to ask to debate a question when it is really

settled. If, however, the vote when thus taken is in doubt, and the chair announces it *conditionally*, saying, "The chair is in doubt," or "The ayes (or the noes) *seem* to have it," it is even then not too late to claim the floor for debate. If this is done, however, the vote must be taken again as if it had not been taken before. In *voting by yeas and nays*, where the voting is *pari passu*, the right to debate ceases after the casting of the first vote. For, if one might rise to speak after the first vote, he might do so after any vote to the end, and so it might happen that debate would be possible after the decision of the question had become manifest. In all the methods of voting by *actual division*, or separation of the members, debate is out of order after the process of dividing has begun.

#### SECTION VIII.—CLOTURE, OR HOW DEBATE MAY BE CUT OFF OR LIMITED.

219. **Various Methods.**—As we have just seen, debate is cut off by certain progress in taking the vote. There are also other means for limiting or stopping debate. (1) If on any account the debate becomes *out of order*, one may rise even while another has the floor, and raise the point of order, and thus put a stop to it. (2) Or, if the body is *tired of the debate*, one may secure the floor, if possible, and call for the previous question. If the call is sustained, this will cut off further debate. (3) Or one may get the floor, and move, as an *incidental motion*, that the *debate now close*, or that the vote be taken at some specified time; and then, at the time agreed upon, debate must cease. (4) Or if it is not desired to stop debate altogether, but only to *limit* the privileges of debate, one may move, as an incidental motion, that speeches be limited to one minute, or five minutes, or to any certain number of minutes, as he may choose. It is

quite common for these motions as to time of closing debate, or taking the vote, or as to fixing the limit to speeches, to be made before the debating begins. If such motions are made when no other question is pending, they are then main questions, and are debatable. But if offered as incidental questions, they are not debatable. For their very object is to put a limit upon debate. For the way to use each of these motions for closing debate, see under the appropriate heads, "Points of Order," "Previous Question," etc., etc.

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## CHAPTER XIV.

### COMMITTEES.

**220. Committees in General.**—Much of the work of deliberative bodies is done by means of committees. "A committee is one or more persons to whom something is committed" or referred. The special reason for having committees is that it is far easier to discuss and shape a matter in a small body than in a large one. It may not be as safe to leave the final action to a committee as to the assembly, but the smaller number can make much more rapid progress in getting a matter into proper form for final consideration and action by the assembly. Another reason for committees is that there may be delicate matters to shape, and, if thus referred, unprofitable discussions upon these may often be kept out of the assembly.

**221. Different Kinds of Committees.**—There are three kinds of committees; namely, standing committees, select committees, and the "committee of the whole." Bodies which continue in session for long periods of time, and which have a regular line of subjects, often find it profitable to classify their business, and have reg-



ular and continuous committees upon the different subjects. Such committees are called *standing committees*. A *select committee* is a committee appointed for a particular occasion. It attends to the matter referred to it, and ceases to exist. In a matter of reference the preference is usually given to a standing committee, if the subject is such as may properly be referred to it. The assembly, however, may exercise its pleasure as to this. A *committee of the whole* is simply the entire assembly resolved, for the time being, into a committee for a less formal consideration of some one or more subjects. We will first present the rules applicable to *standing* and *select committees*, and then take up those that pertain to the *committee of the whole*.

## DIVISION I.

### STANDING AND SELECT COMMITTEES.

#### SECTION I. HOW SECURED, OR APPOINTED.

##### I. STANDING COMMITTEES.

222. **How Usually Appointed.**—Standing committees are usually appointed as soon as is convenient after the organization of the body. There is generally some special rule, or by-law, which provides for the appointment of such committees. And if so, the committee will of course be appointed in accordance with this requirement. If no such rule exists, any member may move the appointment of such a committee, and may indicate in the motion the number desired on the committee and the manner of their appointment. If this is not indicated, the chair will by question, or in some other way, learn the wish of the assembly as to the number and the manner of the appointment of the committee, just as in appointing a select committee. See in the following paragraph.

## II. SELECT COMMITTEES.

**223. Method of Appointing.**—(1) The one desiring the appointment of a select, or special, committee will secure the floor for the purpose, and make a motion for its appointment. He may in the motion specify the number, and also the manner of appointment; or he may name the members of the committee, and move their appointment. (2) *If the one who moves the appointment of the committee fails to specify the number, the chair will ask: "Of how many shall the committee consist?"* Usually the number can be decided quite informally. The member moving the committee may suggest the number, and, if no objection is made, that will be the number, or any member may mention a certain number. This is usually done in a very informal manner, members being allowed to make suggestions without securing the floor for the purpose. If several call out different numbers, then, unless there is very quickly an informal agreement, the chair will, without waiting for seconds, take the vote as to the number, beginning always with the largest number, and going on down until some number is agreed to. Or instead of this plan, any one may make a motion that the number be such, or such, and this is subject to amendment just as any other motion. (3) If the mover has not indicated how the committee shall be appointed, the chair will ask that also. The mover may indicate this, and, if no objection is made, the committee will be appointed in that way. Any one, however, has the right to suggest a different method, and if an informal agreement is not speedily reached, a motion must be made and a vote taken upon the method of appointment. The motion may provide that it be by nomination and election in the body, or by ballot, or in any way that the mover may desire.

**224. The Principles of Selection.**—The selection of

committees, whether by the chair or by individual members, or by the body at large, should never be a matter of caprice, or favoritism. Certain well-defined principles should always govern in the selection of committees. (1) The mover of the committee should always be named first, unless he requests that this should not be done. The body may, however, designate any one as chairman. In that case his name should be first on the list. (2) All members of the body are *equal*, and should have *equal consideration* in the matter of appointment on committees, due regard being had, of course, to the kind of committee specially needed. A chairman who shows partiality in the selection of committees cannot retain the respect and confidence of the body. (3) The committee should be the best possible representation of the views of the assembly, *except* where the special aim is to lead the assembly. In that case those most interested in the measure should have the preponderance in the committee. (4) All known shades of opinion, however, should, as far as possible, be fairly represented in the constitution, or make-up, of a committee. (5) If it is a committee appointed to attend to some business agreed upon by the assembly, the committee should be entirely of those in sympathy with the duty assigned them.

**225. How Notified.**—It is the *duty* of the *secretary* of the assembly to place in the hands of the first named member of the committee a full list of the committee, and also such information as he can give concerning the duties of the committee.

## SECTION II.—WORK OF A COMMITTEE.

**226. Preliminary.**—After a committee has been notified, it should proceed to do with all diligence the work assigned it. (1) It can only do this work in actual session; separate agreement is not sufficient. For, if the

members could be together, and compare views, the result might be different. (2) The member whose name comes first on the list should, in some way, call his committee together. (3) He must choose some time for the meeting when the body is not in session, or else he must ask leave of the body for the committee to sit. This is usually secured by going before the body, and asking leave to call the committee. If no one objects, the chair allows the call as a matter of unanimous consent. If there is objection, a motion and vote are required before the committee can retire.

**227. Organization of the Committee for Work.**—(1) The one whose name is first on the list is usually chairman of the committee. The committee may, however, elect another member as chairman, unless the assembly has specially designated the chairman. (2) If the chairman is absent, or fails to call his committee together as he should, any two members may call a meeting, either for organization, or for the work of the committee.\* (3) If a committee has any important matter before it, it should always appoint some one to act as clerk. If no such appointment is made, the chairman should perform this duty.

**228. Quorum of a Committee.**—If no special provision is made by the assembly for a *quorum* of a committee, it will consist of a majority of the committee. It is, however, frequently the case, where there is no difference in views, that committees do their work with less than a majority present, the acquiescence of the others being well assured. This, however, is hardly allowable, unless members, when notified, fail to attend. It would be better to report to the assembly the inability to secure attendance, and to ask that others be appointed in the place of those who will not attend. If the work of the

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\*Robert, p. 71.

committee is ever done without a quorum, then this should be stated to the assembly when the report is made.

**229. Meetings, Open or Secret.**—The meetings are usually open. But the committee has a *right* to hold *secret meetings*, if it so desires. In the absence of special instruction by the body, the committee is the judge of how it can best do the work committed to it. The committee may allow outside parties to address it, or it may refuse to be interrupted in its deliberations.

**230. Mode of Procedure in Committees.**—The usual mode of procedure in committees is something like the following: (1) The chairman calls the meeting to order, and has a clerk selected, if one is desired. He then calls attention to the matter intrusted to the committee. (2) The matter is discussed in an informal way by the committee. (3) Arrangements are made for preparing a report. If the chairman has prepared anything that he wishes to submit to the committee, he will read it, or state it, to them. It is the privilege of any member also to make such suggestions as he may see fit to make, or to draft such a report as he would like to see presented, and submit it to the committee. Or the committee may instruct the chairman, or a sub-committee, to draft a report to be submitted to them later. (4) If time is required for this to be prepared, the committee will adjourn to some time agreed upon, or subject to the call of the chairman. (5) At the proper time, and as many times as may be necessary, the committee will meet, and work over the matter until they are prepared to report to the assembly. (6) If a *paper* of any kind has been referred to a committee, it must be careful not to interline, or in any way to mutilate or mar it. Should the committee desire to make insertions, or changes of any kind, it should make these on a separate paper, indicat-

ing clearly where it is proposed to make the insertion, or changes. The committee cannot be at all sure that the body will accept its suggestions, and hence it must preserve intact all papers that are referred to it. (7) The committee will often find it better to prepare and offer a substitute measure, rather than to offer sundry amendments to the original measure. Especially is this true when a measure is difficult to amend, and when proposed amendments would be confusing to the assembly. This is now the usual plan with the committees of legislative assemblies. (8) The committee in its sittings may proceed in a far more informal manner than would be possible for the assembly. In preparing its report, a committee may go backward, or forward, or work at it in any way that it pleases, voting upon each part separately, or upon it finally as a whole, provided it can thus work intelligently. But before the report is presented it should be finally read to the committee, and the sense of the committee taken by vote, or otherwise, as to whether or not the report presents the views of the committee. (9) Should any member of the committee prove disorderly, the committee can only report the matter to the assembly. It has no power to punish an offender. (10) The report of a committee usually begins with the words: "Your committee to whom was referred, etc., beg leave to report," etc. Then comes the body of the report, with or without preamble. Then the report properly closes with the words, "Respectfully submitted," followed by the signatures of the committee, or the name of the chairman, e. g., "John Smith, Chairman. In behalf of the Committee." (11) When the report is agreed to by the committee, the committee may adjourn informally with an understanding as to who shall present the report to the assembly. Or some member may move that the committee rise and report to the assembly. The chairman is usually the one to make the

report to the body, but some one else may be designated. (12) If the committee cannot agree upon a report, it may rise, and report this fact to the body, and ask to be discharged. Or, as is often the case, it may arrange to present two reports. The report of the majority *is the report of the committee*; that of the minority is called the minority report.

**231. Preparation of a Minority Report.**—The fact that there is to be a minority report does not give to the minority a right to absent themselves from the regular meetings of the committee. The minority should attend these meetings, and do what they can to influence the majority. The majority should show the minority all due courtesy in these meetings, and *vice versa*. But either branch of the committee may hold special meetings of its own, if it so desires, for the preparation of its special report. When the majority report is ready, the chairman should call the entire committee together, and submit the report. Then if some of the members wish to offer a minority report, and it is not ready, they should ask for time to prepare it, and this should be given. The committee is not bound to hear the minority report. Neither is the minority bound to read its report to the committee, if it does not wish so to do. When both reports are ready, each is put by its friends into the hands of a suitable member of the committee, to be presented to the body. The report of the majority, however, is really the report of the committee, just as in the assembly a vote of the majority is the action of the assembly. But the one presenting the majority report should notify the body that there is also a minority report.

## SECTION III.—REPORT OF A COMMITTEE BEFORE THE ASSEMBLY.

232. **Its Presentation.**—*The chairman* of the committee, or the one intrusted especially with this duty, must attend to its proper presentation to the assembly. (1) If a special time has been designated for receiving the report, he must be on hand when the time arrives. If the report is not called for at that time, he may rise to a question of privilege, and remind the body that the hour has arrived for the presentation of the report. (2) If no special time has been designated, the one having the report must watch for what seems a good opportunity, and secure the floor, and say: "Mr. President, the committee to whom was referred, etc., is prepared to report."

233. **Reception of Reports.**—When a report has been presented, the house will either receive it, or decline to receive it. (1) *If there is no objection* to its reception, the chair will say: "Let the report be read." (2) *If there is objection* to receiving the report, the one who wishes to object will rise and say: "I raise the question of consideration," or, "I object to its consideration at the present time," or, "I move that the reception of the report be postponed." If the body sustains any of these forms of objection, the reception of the report is postponed; if not, the report is received. (3) *If there is only hesitation* to receive, one may move the reception of the report. If the body agrees informally, or by resolution, to receive a report, it is read before the assembly. And when the assembly allows a report to be read, it thereby receives the report.\* If there is a minority report, it

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\*The reception of a report is often confounded with its adoption. And frequently, after a report has been read, some one moves "that the report be received." This is a motion to receive what has already been received; and the chairman should so state, and rule the motion out of order. The only time when a motion to receive a report is in order is before the report has been read.



should be read immediately after the report from the majority.

**234. Motion to Adopt a Report.**—(1) If the report merely *contains information* for the body, no action is taken upon it by the body further than its reception as above. It is then passed to the clerk, and entered upon the minutes, and the body passes to other business. (2) *If, however, the report looks to any agreement to it, or any action upon it by the body, then as soon as it is read the chairman will say: "What will you do with the report?"* And some motion will be made looking to a disposition of it. Or some one may even gain the floor, and make such a motion before the chair asks the question. If there is a minority report, a motion may be made to substitute it in place of that which has been offered. The question will then be upon the motion to substitute, and the usual rules as to a substitute will apply.

The assembly can *take any action* as to a report that it thinks proper. It is in no way bound by any action or recommendation of its committee. The committee has only been the servant of the body in order to help the body, if possible, to do what it might please to do. One may move that the report be referred back to the same committee, or to a new committee, and, in either case, with or without instructions, or that the report be adopted, or he may offer amendments, or may move anything else that he may see fit concerning it.

The *usual* motion, however, after a report of any kind has been received, is a motion for its adoption. This brings the question of agreement or disagreement to the report immediately before the assembly, and affords opportunity for discussing it and amending it if this is desired, and also for its adoption, or rejection, or for any disposition of it that the assembly may see fit to make.

**235. The Discussion of a Report.**—After a report has been received, and a motion has been made to adopt it, the chair will say: "A motion has been made to adopt the report; the question is upon the motion to adopt." This question is open for discussion as soon as stated by the chair. (1) It is usual for the chair to *recognize first*

the one who offers the report. He does this even if some other members rises first, and claims the floor. It is to be supposed that the one who brings in a report is in the best position to make the opening speech, or statement, concerning it before the assembly. It seems only just, also, that he should have this opportunity to explain the report before others are allowed to criticize it. (2) It is usually recognized as the privilege of the one who offers a report, if he so desires, to *waive this right* of the opening speech in favor of some other member whom he may wish to substitute for himself. (3) A member of a committee should not tell to any one what has passed in the committee room, without the consent of the committee, unless he has in some way been forced by some one of the committee into a false position. (4) Beyond this there is nothing in the discussion of a report that differs materially from the discussion of other measures. There is no good ground for the notion held by some that the one who offers a report has the right to the closing speech.

In the lower house of Congress it is customary to give to the one who presents a report complete control over the discussion of the report, and absolute preference is shown to the members of the committee. Reed, p. 66.

### 236. Status of a Committee After Making Its Report.

(1) *If a committee makes only a partial report*, it continues until the report is made complete. (2) *If the report is complete*, the committee is discharged as soon as the report is received.\* And the members of the committee, except as indicated in the last paragraph, are not entitled to any recognition except such as all other members may claim.

237. Amending a Report.—Under a motion to adopt a report an assembly has exactly the same rights of amending as in the case of any original measure. It pro-

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\*This, of course, does not apply to standing committees.

ceeds to amend in the same manner as in amending a main measure, according as the report may consist of a single paragraph, or a series of paragraphs, with or without preamble. As to procedure for amending, see under *Motions to Amend*.

**238. The Effect of Adopting, or Rejecting, a Report.**—If the assembly *vote affirmatively* upon a motion to adopt a report, the assembly thereby commits itself to all that is contained in the report, whether of phraseology or subject-matter, and it becomes responsible for the same. It is then no longer the report of the committee, but the deliberate action of the body. If the *vote* is *against adopting* the report, the recommendations of the report are, of course, thereby rejected. But more than this, the original measure that was referred is also rejected. For the friends of that measure have had full opportunity, pending the consideration of the report, to put the measure into the best shape that they could in order to make it acceptable to the house. If they did not do this, it was their fault, and the measure shares the fate of the committee's report.

**239. The Recommittal of a Measure.**—If an assembly recommits a measure, whether to the same committee or to a new committee, the committee of second reference is regarded as an entirely new committee. The whole proceedings in the committee and in the body afterward will be *de novo*, just as if there had never been any previous reference.

## DIVISION II.—COMMITTEE OF THE WHOLE.

**240. General Statement.**—The committee of the whole, as we have seen, is simply the entire assembly resolved, for the time being, into a *committee* for a less formal consideration of some one or more subjects. It originated when the Speaker of the House of Commons was

practically a servant of the crown and a sort of King's spy. By organizing itself into a committee of the whole, the House of Commons secured a chairman of its own and shut the regular speaker out.\* This committee, by reason of its less formal character, has been found still to serve at times a good purpose in legislative and other deliberative assemblies. Especially is this true when the assembly is large and the rules rigid.\*\* The motion to go into committee of the whole is really *a motion to commit*, and is subject in the main to the same rules.\*\*\*

**241. How Organized.**—Whenever it is desired to go into committee of the whole, some member rises and secures the floor for the purpose, if possible, and moves that the assembly “now resolve itself into a committee of the whole,” to take into consideration such or such a subject. If the motion prevails, the presiding officer calls some one to the chair, and takes his seat among the members. The assembly may, however, itself designate the chairman of the committee.§ The secretary, or clerk, of the assembly will act as secretary, or clerk, for the committee of the whole. He is required to keep only “such a memorandum as will assist the chairman in the orderly conduct of the business.”§§

**242. The Quorum.**—The quorum for the committee of the whole is the same as the quorum for the assembly. The assembly has the right, however, to designate any number that it pleases as that required for the quorum. If at any time attention is called to the absence of a quorum, the committee must rise and report the fact to the assembly.

**243. The Mode of Procedure.**—When the committee of the whole is organized as above, the one who has been designated as chairman will rise and say: “The committee of the whole have referred to them the reso-

\*Reed, p. 67.  
§ Reed, p. 68.

\*\*Reed, p. 67.  
§§ Reed, p. 68.

\*\*\*Robert, p. 77.

lution, etc., relating to, etc. Let it be read." The clerk will read this. The chairman will then say: "The resolution, etc., is before the committee."\* The committee will then proceed with the consideration of the matter which has been referred to it. There are eight points of difference between the procedure of the committee of the whole in considering a measure referred to it and the ordinary procedure of the regular assembly. These are as follows: (1) A member may speak as often as he can obtain the floor. (2) Nothing can be done by the committee itself to limit debate.\*\* "The only way in which debate can be limited is by order of the assembly." Hence "the motions to lay on the table, to postpone, and for the previous question are out of order." (3) There can be no such thing as orders of the day in a committee of the whole. (4) It cannot refer any matter to a sub-committee. (5) It cannot punish disorderly conduct; it can only report this to the assembly. If there is special disorder, the president of the assembly will take the chair and dissolve the committee. (6) The presiding officer of the assembly may take part in the proceedings as though he were a private member. (7) The committee cannot order the yeas and nays. (8) The committee cannot adjourn and reconvene. When it wishes to end its session, it must do so either under a motion to "rise and report to the assembly," or to "rise and report progress." In all other respects the rules for the committee of the whole are precisely the same as those for the assembly. If the committee has received any instructions from the assembly, it has no right to do otherwise than as directed. For example, "If the assembly has fixed a limit for speeches or a time for debate to close, the committee has no right to extend the time."\*\*\*

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\*Mell, p. 88.

\*\*The committee of the whole, may, of course, stop debate by passing a motion "to rise."

\*\*\*For above points compare Mell, pp. 87, 88, and Reed, pp. 68ff.

**244. The Report of the Committee of the Whole.—**

When the committee has *finished* its business, some one will move that “the committee rise and report to the body.” If the committee *has not* finished the business referred to it, the motion will be that “the committee rise and report progress,” or that “the committee rise and report progress, and ask leave to sit again.” It will then be with the assembly whether to grant this leave or not. If this motion “to rise and report” prevails, the president of the body will take the chair, and immediately the chairman of the committee of the whole will be recognized by the president, and will say: “Mr. President, the committee of the whole beg leave to report as follows:” etc., etc. He will read the actual record of the clerk of the committee as the report of the committee of the whole, or a report of his own embodying the actual facts of this record. The assembly, instead of receiving the report then, may fix a time to receive it.

**245. Action Upon the Report of the Committee of the Whole.—**When the report of the committee is presented as above, the president of the assembly will repeat this report, or have it read by the clerk, and say: “The report is before the body: what is your pleasure concerning it?” The report will be entered on the minutes of the assembly and become a part of the record. The body may take any action upon the report that it sees fit, just as upon the report of any other committee. An assembly is no more bound by the action of a committee of the whole than by the action of a standing or a select committee. It is not unfrequently the case that a measure which has carried by a large majority in committee of the whole is negatived by the *assembly*, where the members can be made to feel more directly their responsibility to their constituency. This is especially true in legislative and political assemblies, where the yeas and nays are so frequently called.



# QUESTIONS.

[The numbers refer to the paragraphs. The questions following any particular number are all answered in the paragraph referred to.]

## PART I.

### PARLIAMENTARY LAW AND DELIBERATIVE ASSEMBLIES.

#### CHAPTER I.

#### PARLIAMENTARY LAW—ORIGIN AND GENERAL CHARACTER.

1. What is the general definition of parliamentary law? Why are certain assemblies called deliberative assemblies? What need is there for parliamentary law? What if there were no such thing?

2. What were the earliest forms or beginnings of parliamentary law? What its earliest development? What was then the relation of different assemblies to each other? How did one assembly gain influence over others? How was the code formed?

3. What has been the influence of the English Parliament? How is this shown?

4. How, and why, has the English Parliament been superseded? What assemblies in the United States have been influential? What relation has our code still to the English code? To what extent does it diverge?

5. To what extent only have deliberative bodies adopted the rules of these influential bodies? Why so?

6. May any assembly disregard any of these general rules? How far then are these general rules binding on assemblies? What is a fundamental principle in this regard as to the government of assemblies?

7. What now is a more exact definition of parliamentary law? What are the special laws of particular assemblies called?



8. What is the first natural conclusion from the foregoing? What is a common mistake here? What is a second conclusion? Who especially need to study parliamentary law? What as to trying to preside without acquaintance with it?

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## CHAPTER II.

### DELIBERATIVE ASSEMBLIES—WHAT, AND HOW CLASSIFIED.

9. What is the main division, or classification?
  10. What is a permanent deliberative assembly? Into what two classes are these divided? Explain the first kind. Give some examples. Explain the second kind. Give some examples.
  11. What is the principle of division between these two classes? Does the question of constituency come in here?
  12. What is an occasional deliberative assembly? Into what two classes are these divided? Explain the first kind. Give some examples. Explain the second kind. Give some examples.
  13. What is the principle of this division?
  14. What is mentioned as a third general kind of deliberative assembly? What is said as to this kind of assembly?
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## PART II.

### THE CODE OF PARLIAMENTARY LAW.

#### CHAPTER I.

#### ORGANIZATION.

15. What is the first application of parliamentary law?

16. What is the first and most important rule as to organization? What hint is given as to this rule?

17. When is a body organized for business? What other officers may a body have? Are these necessary to organization? How are the presiding officer and the secretary usually designated?

18. How are permanent assemblies first organized?

19. In subsequent organization what if there is statutory law as to organization? Where there is no such law what is the usual method of organizing? What as to closing nominations? What as to seconding nominations? What as to having some one person cast the ballot for the assembly?

20. If the president of the previous meeting is present and the secretary is absent, what must be done? If the president is absent, who takes his place? If neither president nor vice-president is present, who acts? If none of the old officers are present, what then?

21. What is the first step in organizing an occasional assembly when there are no credentials? What as to seconding nominations? When nominations cease, or are closed by vote, what then? When some one has a majority, what then?

22. Where there are credentials, what is the first step in organizing an occasional assembly? Who have a right to vote in this election? What is the next step? What then? What other committee is usually then appointed? What may be done pending the report of the committee on credentials? What next after the report of the committee on credentials? What next after the report of the committee on permanent organization? What if this report is rejected?

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## CHAPTER II.

### CREDENTIALS.

23. What is meant by credentials? Is there any difference between permanent and occasional assemblies as to the principles applicable to credentials?

24. What need is there for credentials? Are they needed in all constituent bodies? What is their only use in some bodies?

25. What is the first rule as to credentials? Why? Must an assembly always await investigation of credentials? *See footnote.* What if there is a special law concerning credentials? What different rules as to religious bodies? What if objection is raised to the latter loose method? How are credentials usually inquired into? What may be included in the motion to appoint? How should a committee on credentials proceed? What if any member is not satisfied with the report? What should be the course of one when the report is adverse to his claim? Who only may vote in cases of contest? May one whose right is contested vote on any question?

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### CHAPTER III.

#### THE QUORUM.

26. What is meant by the quorum? What is the principle of the quorum?

27. How is the quorum fixed? When not specially fixed, how many are required? How many in bodies of fixed legal membership? How many in assemblies where many fail to attend? Why so?

28. What if a quorum is not present? Is the chair bound to notice the absence of a quorum? What is the presumption?

29. What may a smaller number do?

30. How may the presence or absence of a quorum be ascertained? What as to a special rule for ascertaining?

31. What as to observing the principle of the quorum where no quorum is required? If not done, what is the remedy?

32. What as to raising the point of quorum after many members have left? Why so?

## CHAPTER IV.

### OFFICERS—THEIR QUALIFICATIONS, DUTIES, RIGHTS, ETC.

33. What are the qualifications of a good president? Which is the chief of these? Why so?

34. What are his duties? What as to his answering questions that are not questions of parliamentary law? What as to his sitting in judgment on the taste of members?

35. Does the president forfeit any rights by being president? What, however, is the wise course as to certain rights? What as to his leaving the chair when he speaks? What as to his voting? When, however, is it his *duty* to vote?

36. What are the qualifications of a good secretary?

37. What are his duties?

38. What as to his rights and privileges?

39. What is said concerning assistant secretaries?

40. Where may one ascertain the duties of other officers? What special hint is given as to vice-presidents? What as to the rights and privileges of these other officers?

## CHAPTER V.

### MEMBERS—THEIR RIGHTS AND DUTIES.

41. What as to a proper understanding by members of their rights and duties?

42. What as to the equality of members?

43. What as to the right of members to introduce and discuss measures?

44. What as to protection in the enjoyment of one's rights? How may a member demand this? What motion only can delay this? To what extent may this interfere? If the chair refuses to protect, what further resort? If the assembly refuses to protect, what then?

45. What as to respect for officers?

46. What as to respect for fellow-members?

47. What as to respect for the assembly?
  48. What as to rendering all required service?
  49. What as to submission to decisions?
- 

## CHAPTER VI.

### CONDUCT OF BUSINESS—HOW INTRODUCED.

50. In considering the conduct of business, what first needs attention?

51. What must one first do in order to introduce a matter? What does violation of this rule lead to? How far should the president insist upon it?

52. How does a member obtain the floor? When only has one the floor? How does the president get the floor to introduce a matter? What should he be careful of in this? What if he wishes to introduce a matter of his own? What as to any right of outside parties to the floor? How only can they get matters introduced? What as to the obligation of members thus to serve outside parties?

53. When one gets the floor, how will he introduce a matter? In what form may a motion be made? What is the real essence of a motion? Can a body consider a measure until it is introduced by motion?

54. What as to seconds for motions? Why is a second required? How is a second made? What as to apparent exceptions to the need for a second? *See footnote.* Must the member who seconds rise? Why so?

55. What as to putting motions in writing?

56. In what different forms may a matter be introduced in an assembly so that it may express its decisions? What is the relation of any one of these to the motion?

57. What is a resolution, strictly speaking? What is its ordinary use? How is a resolution put upon its passage? Are they always thus formally presented?

58. What is an order?

59. What is a petition? Does a petition require a motion?

.

50. What is a bill, or act?
51. What as to offering all resolutions, orders, etc., in writing?
52. What is meant by the "question?" What is meant by the "main question?"
53. When only is a proposition really "before the house?"

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## CHAPTER VII.

### CONDUCT OF BUSINESS CONTINUED—TAKING THE VOTE.

64. What is the usual aim of the party introducing a measure? What as to getting an immediate vote? What is meant by "putting the question?"

65. In what different ways may an assembly vote?

66. Which is the easiest and most common way? How is this kind of vote taken by the chair? How are members who do not vote classed under this call? What as to "unanimous consent?" *See fine print.*

67. What is the next easiest method of voting? Why is this resorted to? How is it usually secured? Has the president a right to object if a count of the vote is called for? How does the chair take this vote? Who should do the counting? What account is taken of those not voting?

68. What is the next easiest mode of taking a vote? Why the need for this? What is the easiest plan of voting by separation? How is the counting to be done? What are some other plans of voting by separation? In these cases how should the counting be done? What account is taken of those not voting? What as to the right of members to demand these tedious and inconvenient methods of taking the vote?

69. What is voting by yeas and nays?

70. What is the special object of this method of voting?

71. How is this vote taken?

72. What as to the obligation of every member to vote?

73. How is this method of voting frequently abused? How might this abuse be defeated?

74. When must debate cease under a call for yeas and nays? How does this differ from the other cases of voting?

75. What as to the right of a member to change his vote after roll call? What change has taken place as to this?

76. How many are required to order the yeas and nays? What should be the requirements in the absence of special rule?

77. What as to calling for the yeas and nays in religious bodies? Why so?

78. What is voting by ballot? How is this arranged for? What as to making the report?

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## CHAPTER VIII.

### CONDUCT OF BUSINESS CONTINUED—INTERVENTION OF SUBSIDIARY QUESTIONS.

79. Give a brief review or recapitulation.

80. Is a vote usually reached so directly? What is first mentioned as possibly intervening? What else may hinder a direct vote? Under what four general heads may all of these hindrances, or delays, to a vote be classified? Which group will be considered in this chapter?

81. Give the proper classification of the subsidiary motions. What double purpose may this classification serve? *See fine print.* Repeat the first main division and its subdivisions.

82. What is the nature and purpose of the motion, or question of consideration?

83. What ten points are first given as to this motion? As to each of them ask the question, why? What objection to the question of consideration, and how answered? *See footnote.*

84. Is it the duty of the chair to raise this question? When, if ever, should he himself peremptorily suppress a measure?

85. What other means exist for total suppression? How may a motion to lay upon the table totally suppress a measure? When only can this motion be properly so used? How can a point of order be used for total suppression?

86. What is the second main division of subsidiary motions or questions? What are the subdivisions under this?

87. What is the nature of a motion to lay upon the table? What is the character of a motion to take from the table? *See footnote.*

88. What ten points are given? As to each of these ask the question, why?

89. How is the motion to lay upon the table used for total suppression? Where especially does this usage prevail? Why is it possible to so use this motion? What specially contributes to this use? What as to the oppressiveness of this use? In what cases only should it be allowed?

90. What is the nature of a motion to postpone to a time definite?

91. What ten points are given? As to each of these ask the question, why?

92. What other measures are used for delay? Give examples. To what estimate of parliamentary law has this abuse led? Why is this not just? How can this abuse be prevented, or curtailed?

93. What is the third main division of subsidiary motions? What the subdivisions under this? What as to their general character or nature?

94. What is the usual motion for suppressing debate? What is meant by "the previous question?" *See footnote.* How was this originally used in England? By which side was it always then offered? What was the effect if the decision was against the call? What if the call was sustained?

95. How was this use subsequently modified in America? In what point only was there left a resemblance? Does this use still prevail? Under this use, what was the procedure? Why was there need for the second question? Why is this no longer needed?

96. What is the present use or purpose of the previous question? Why this development?



97. What are the ten points given? As to each point ask, why so?

98. What if the call for the previous question be side-tracked by a superior motion?

99. When is a call for the previous question exhausted?

100. What other means may be used for suppressing debate? How may a point of order be so used? What as to the motion to close debate? What as to the motion to limit speeches? What as to the motion to fix a time for a vote? Are these motions for closing debate debatable? Why so? Can they be renewed? If offered as main questions can they be debated?

101. What is the motion for avoiding, or suppressing, a vote? What is its nature?

102. What are the ten points? Why so?

103. What are the only ways now left for suppressing an amendment? How may an amendment be suppressed by a point of order? How by a vote?

104. What is the fourth main division in subsidiary motions? What the subdivisions of this? What is the general character of these motions?

105. What is the nature of a motion to commit, or refer? What is usually the special reason for so referring? What as to instructions?

106. What are the ten points? Why so?

107. When the report is received, what then is the question? What may an assembly do with a report?

108. In what does a reference *with* instructions differ from a reference *without* instructions?

109. What is the nature of a motion to amend? To what may motions to amend refer?

110. What is the simplest kind of the different motions to amend? In what three ways may this kind be effected?

111. What are the ten points? Why so?

112. What effect does incompatibility have on an amendment? Why so? Should the chair call attention to incompatibility? Why so? How about a main proposition which has been made incompatible?

113. What as to striking out an amendment once agreed to? Why so? What as to getting rid of these

words with others? How might these identical words be gotten rid of alone? After an amendment is agreed to, may the whole proposition be voted down? Why so?

114. In what three ways may amendments covering a whole paragraph be offered?

115. What are the ten points as to inserting a new paragraph? In each case, why so?

116. What is the peculiarity of this motion?

117. What are the ten points as to striking out an entire paragraph? In each case, why so?\*

118. What is the peculiarity of this motion?

119. What is the parliamentary *pons asinorum*? What is it often called?

120. What are the ten points? In each case, why so?

121. What are the peculiarities of this motion? Is it the duty of the chair to remind members of their rights?

122. What one plan may be resorted to for the purpose of depriving the friends of a paragraph of their right to try to amend? What if the call is sustained? What has made this possible? *See footnote.*

123. What is the best way to proceed in amending a series of resolutions, or paragraphs? Why so?

124. In what order must the resolutions, or paragraphs, be taken up? Why so?

125. What rules apply here? In what ways may each resolution, or paragraph, be amended?

126. When may the preamble be amended? Why so?

127. What must be done after all amendments are finished?

128. How may minutes be amended, or corrected?

129. What as to the application of the previous question here? Why so?

130. What is meant by filling blanks?

131. What is the mode of procedure in filling a blank? What as to doing this informally? What if this cannot be speedily done? To what extent is the question on filling a blank debatable? Where several propositions for filling a blank are made, in what order is the vote taken? What if a majority is not obtained? What will be the question when all the blanks are filled?

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\*Hereafter the words, "*In each case,*" will not be repeated with the question, "*Why so?*" The student will take them for granted.

132. Is the proposition still open for further amendment? What as to insertions already made?

133. Of what grade is a motion to fill a blank? When only is such a motion in order? What is the mode of procedure where no blank *originally* existed?

134. What is amendment by transposition? What is the mode of procedure for this? What risk does one take in this? How may he avoid this risk?

## CHAPTER IX.

### CONDUCT OF BUSINESS CONTINUED—INTERVENTION OF INCIDENTAL MOTIONS.

135. What is the general character of such motions? What motions are regarded as incidental motions? What other possible incidental motions? *See fine print.*

136. What is the nature of a point of order?

137. What are the ten points? Why so?

138. What as to raising points of order for information only? How else might the same end be reached? What as to the duty of the chair to answer such points of order?

139. What is the nature of an appeal?

140. What are the ten points? Why so?

141. What as to separating an appeal from its principal.

142. How should a presiding officer regard appeals?

143. What is the idea in a motion, or call, for the reading of a paper?

144. What are the ten points? Why so?

145. What as to the right of members to have papers read?

146. What as to having a motion repeated?

147. What is the idea in a motion for leave to withdraw a motion?

148. What are the ten points? Why so?

149. What was formerly the practice as to the right to withdraw a motion? What is the rule now? Why so?

150. What is the idea in a motion to suspend the rules?

151. What are the ten points? Why so?

152. How many are required to suspend the rules? Why so? Why should unanimous consent not be required? What is the best plan for each assembly?

153. What business only can be transacted under a suspension of the rules?

154. What is the idea in a motion for a division of the question?

155. What are the ten points? Why so?

156. What is the idea in motions as to the method of consideration? What motions of this kind are in use?

157. What are the ten points? Why so?

## CHAPTER X.

### CONDUCT OF BUSINESS CONTINUED—INTERVENTION OF PRIVILEGED MOTIONS.

158. What is the general character or nature of these motions? Why are they called privileged motions? Give the list of these motions?

159. What is said in general about motions to adjourn?

160. When should the matter of regular adjournment and reassembling be settled? How is this usually done? Is a motion for this purpose privileged? If such a provision is made, must there be a formal motion at each time of adjournment? If no such provision has been made, then what? If regular provision is made for adjourning and reassembling, is there still need for the several motions for adjournment? Why so?

161. What is the purpose, or idea, in the motion to fix the time to which to adjourn?

162. What are the ten points? Why so?

163. What is the purpose of the simple motion to adjourn?

164. What are the ten points? Why so?

165. What if a motion to adjourn is carried when no time has been fixed for reconvening? If such a motion is pressed, what should be done?

166. What is the nature of a motion for a recess?

167. What are the ten points? Why so?

168. What is the nature of a question of privilege?  
169. What are the ten points? Why so?  
170. What is the general character of the motion, or call, for orders of the day and special orders?  
171. What are the ten points as to special orders? Why so?  
172. What if the time should pass without any call for the special order? What if called for before the special time allotted has all passed?  
173. What becomes of the business displaced by a special order?  
174. What is the special nature of orders of the day? What is the more usual meaning of orders of the day?  
175. How is a call made for the orders of the day? If the orders of the day are taken up, in what shape must they come? If one of these subjects has been under consideration, but was not finished, what becomes of it? If in considering the orders of the day one of the subjects is passed and another is considered, what becomes of the one that was passed?  
176. What as to regular hours for considering orders of the day?  
177. What becomes of a matter that is displaced by the orders of the day.
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## CHAPTER XI.

### CONDUCT OF BUSINESS CONTINUED—MOTIONS TO RECONSIDER AND TO REPEAL.

178. What is the nature of a motion to reconsider?  
179. What are the ten points? Why so?  
180. What one special privilege has this motion? Why is this?  
181. Can a motion to reconsider ever skip an intermediate vote that is connected with the same measure? How must the body proceed? Give an example of this.  
182. What as to the limit of time in which the motion to reconsider may be made?  
183. When it is too late to reconsider, what way still

remains to get rid of an objectionable measure? Under what head does such a motion belong? What is the nature of this motion?

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## CHAPTER XII.

### PRECEDENCE OF MOTIONS.

184. What as to importance of knowing the order of precedence of motions? What as to the difficulty of the problem?

185. What sort of devices have been resorted to for helping to the mastery of the problem? What are they worth? What is the hope for a real mastery of the problem? What will be the aim, or effort, in this chapter?

186. What rank does the main question hold in order of precedence? Why so?

187. What is it that gives the trouble as to the precedence of motions, or questions? What plan will help in mastering the principles as to proper precedence? What class of motions stand highest as a class? Why so? What is the rank of these as between themselves? Explain as to each of these motions why it has this rank? Write out now from these principles the order in which these motions take precedence. Explain the natural order of precedence of the subsidiary motions as far as this can be done.

188. Give now the combined list of privileged and subsidiary motions according to the proper order of precedence. How may one prepare himself to decide instantly as to the precedence of any of these motions? Go through the list and show how one of these motions can supplant others, and in turn be supplanted.

189. Which class of motions seem least subject to rule as to precedence? How are these usually classified? To what extent is this true? Why, however, is this classification wrong? Show how this classification ministers to confusion.

190. What is the true and simple *principle* governing

incidental motions or questions as to precedence? How is this principle justified? Give illustration of it.

191. What is the usual arrangement of incidental questions as to precedence among themselves? Does the rule given in the preceding paragraph apply here as well? Show by illustration how it applies.

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## CHAPTER XIII.

### DEBATE.

192. What is the proper purpose of debate?

193. What is said as to the importance of learning which questions are debatable? What is suggested as the best plan for learning this?

194. Which questions open for debate the merits of the main question? Which admit only of partial debate? What as to the right to debate main questions?

195. What in general as to debating subsidiary questions? What as to debating a question of consideration? What as to debating a motion to lay on the table? Why so? What as to allowing debate on a motion to postpone to a time definite? What as to debating a call for the previous question? What as to debate on a motion for indefinite postponement? What as to the motion to commit, or refer? What as to debate on the motion to amend?

196. What in general as to debating incidental questions? What as to debate on points of order? What as to the motion to read papers? What as to the motion to suspend the rules? What as to the motion to divide a question? What as to the motions bearing upon methods of consideration?

197. What in general as to debating privileged questions? What specially as to questions of privilege?

198. What as to debating motions to reconsider?

199. What as to the necessity for securing the floor for debate?

200. Who may claim the floor for debate? Who is entitled, ordinarily, to first recognition? What as to the claim of other members of a committee? What as

to the right of the mover to close? What if the chair wishes the floor.

201. How is the floor obtained for debate? When only has one the right to begin speaking? What if the chair gives the floor to one who did not first address the chair? What as to the wisdom of an issue of this kind?

202. What as to taking one from the floor? What as to an interruption for points of order, etc.? What if one is interrupted by the hour of adjournment? To what abuse has this right to the floor given rise? How can this be remedied?

203. What is expected of each member as to decorum?

204. What specially as to respect for officers? To whom should all remarks be addressed? If officers are referred to, how should it be done? How should one take an interruption by the presiding officer? What as to taking suggestions and commands from the president? May one show irritation or resistance towards an officer?

205. What as to respect towards the assembly? Must one always defer to the will of the assembly? May a member tax the patience of the assembly? May he ever cast reflections upon it?

206. What as to respect of one member for another? What as to reflections, or attacks, upon individual members? How should members be referred to? May one's motives be impugned? May one ever be very severe on a member? Is it well to use this right? If one is severe, what must be guarded?

207. What obligation are officers under to be courteous? What if a member sorely tries an officer? May an officer ever be arbitrary with an unruly member? What should he bear in mind even then?

208. What as to the respect due from the assembly to its members? What as to hissing a member down? What as to applauding?

209. Where one member uses disorderly language to another, what is the remedy? How soon must the objection come? What next? What if the one accused denies using the language? What if the house sustains the complainant? What if there be no rule on the sub-



ject? What if an issue be made between the accused and the assembly? What if a member is put upon trial?

210. What if the issue be between a member and the chair? What is meant by "naming a member?" To what is this equal? What then? What rights still has the offending member?

211. What is the duty of the chair when one's speech is clearly irrelevant? What if the chair fails to do his duty? What special consideration may be shown for irrelevancy?

212. What as to calling one to order for bad taste?

213. How often may one speak on a point of order?

214. How often on other questions? Why not limit to one speech in all cases?

215. What as to additional speeches on amendments? Why?

216. How about extra speeches when a question has been modified by amendments, or otherwise?

217. What as to the right still to ask questions and to make explanations?

218. Up to what point may one claim the floor for debate? What if the vote thus taken be in doubt? How about the right to debate after voting begins by yeas and nays? What as to the right to debate after any vote by separation of members has begun?

219. What three measures may be used to *cut off* debate? What are the measures for *limiting* debate? When are these motions for limiting or stopping debate main motions? and when are they incidental motions? When only are such motions debatable?

## CHAPTER XIV.

### COMMITTEES.

220. What is a committee? What is the special reason for committees? What is another reason?

221. What are the different kinds of committees? Describe each. As between a standing committee and a select committee, which is usually preferred in a matter of reference?

222. When and how are standing committees usually appointed? What if no such rule exists for appointment? What privilege has the member who moves the appointment of a committee? If he does not thus indicate, how are these points settled?

223. How is a select committee usually secured, or appointed? What privilege has the mover? What if the mover fails to so indicate the number to be appointed? What if several members call out different numbers? What if the mover does not indicate how the committee shall be appointed?

224. What are the true principles that should govern in selecting, or making up, a committee?

225. How are committees to be notified of their appointment? What information must be given?

226. What preliminary statements are made?

227. How does a committee organize for work?

228. How many are required for a quorum of a committee? Is a quorum always necessary? What is usually the best course if a quorum cannot be gotten?

229. Must the committee meetings be open or secret? Can the committee refuse to hear from outside parties?

230. What is the usual mode of procedure in committee? Ask self separate question as to each point.

231. What is the mode of procedure in preparing a minority report?

232. How is a report to be presented?

233. When a report is presented, what will the house do first? How is the report received if there be no objection? What if there is objection? What if there is only hesitation? With what is the reception of a report often confounded? When only is a motion to receive in order? When should the minority report be received.

234. When is there no need for a motion to adopt a report? What is done with such a report? What if a report looks to some agreement to it by the assembly? To what extent is an assembly bound by a report of one of its committees? What one of several things may it do with a report? What is the usual motion for disposing of a report? What does this motion bring before the assembly?

235. What follows a motion to adopt? Who is usually recognized first for debate? Why so? What as to the right to waive this privilege in favor of another? May a member of a committee tell anything that occurred in committee? Is there any other peculiarity in the discussion of the report of a committee? What as to the right of a member who offers a report (or motion) to close the debate? What special custom prevails in the lower house of Congress?

236. What if a committee makes only a partial report? What becomes of a committee when its report is a complete report?

237. What may an assembly do as to amending a report? How will it proceed?

238. What if an assembly votes affirmatively on adopting a report? What if it votes against adopting?

239. What is the effect of a recommittal of a measure?

240. What is the committee of the whole? How did the committee of the whole originate? Why still useful? When is a motion to go into committee of the whole in order?

241. How is this committee organized?

242. What number is required for a quorum?

243. What is the mode of procedure after organization? In what eight points does it differ from the regular proceedings in the assembly? What as to the obligation of the committee strictly to obey instructions?

244. When the committee finishes its work in committee, what then? What is the motion if the committee cannot finish the business at that sitting? If the motion to rise and report in either of the above ways prevails, what then?

245. When the report is thus presented, what next? What as to granting leave to sit again? What as to entering the report on the minutes? What action may

245. When the report is thus presented, what next? often defeated in the assembly, after being agreed to in committee of the whole?

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